FEDERAL REGISTER

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Washington, Friday, May 1, 1959

Title 3—THE PRESIDENT

Executive Order 10813

INCLUDING CERTAIN LANDS IN THE CHATTAHOOCHEE NATIONAL FOREST AND THE NANTAHALA NATIONAL FOREST

WHEREAS on September 18, 1958, the Tennessee Valley Authority and the United States Department of Agriculture entered into two agreements (Contracts TV-18549A and TV-20031A) providing for the transfer by the Authority to the Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Towns County and Union County, Georgia, and in Cherokee County and Clay County, North Carolina, so that the lands in Georgia might be included in and reserved as parts of the Chattahoochee National Forest and the lands in North Carolina might be included in and reserved as parts of the Nantahala National Forest, in accordance with the provisions and conditions of those agreements and subject to the approval required by section 4(k) (c) of the Tennessee Valley Authority Act of 1933, as amended by the act of July 18, 1941 (55 Stat. 599); and

WHEREAS on January 24, 1959, the agreements of September 18, 1958, between the Tennessee Valley Authority and the United States Department of Agriculture were approved by the Director of the Bureau of the Budget pursuant to the provisions of section 4(k) (c) of the Tennessee Valley Authority Act of 1933, as amended, and of section 1(h) of Executive Order No. 10530 of May 10, 1954; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion thereof in the Chattahoochee National Forest and the Nantahala National Forest as hereinafter indicated would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

1. There is hereby included in and reserved as parts of the Chattahoochee National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to all the provisions and conditions of the above-mentioned agreements of September 18, 1958, between the Tennessee Valley Authority and the United States Department of Agriculture:

Lands lying in Union County, State of Georgia, in Districts 8 and 9 of section 1, on the shores of Nottely Lake, being more particularly described as follows:

Parcel No. 1

A tract of land located in Land Lots 54, 55, 56, 57, 88, and 89 of District 8, approximately ¾ mile west of Nottely Dam, and more particularly described as follows:

Beginning at US–TVA Monument 1–40 (Coordinates: N. 1,806,316; E. 518,482) in the center line of an old road and in the boundary of the United States of America's land at a corner of the lands of W. J. Byers, J. L. Raper et ux, and the D. T. Meadows heirs.

From the initial point with the United States of America's boundary line, S. 48°15′ E., 362 feet to US–TVA Monument 1–41 in the center line of an old road;

With the center line of the old road as it meanders in an easterly direction to a metal marker (Coordinates: N. 1,806,101; E. 519,201);

Leaving the old road, S. 38°50′ E., 250 feet to a metal marker;

N. 62°40′ E., 368 feet to a metal marker in the center line of an old road;

With the center line of the old road as it meanders in an easterly direction to a metal marker (Coordinates: N. 1,806,068; E. 520,041);

Leaving the old road, N. 42°22′ E., 323 feet to a point in the center line of a branch;

With the center line of the branch as it meanders in a northeasterly direction to a point (Cordinates: N. 1,806,499; E. 520,385);

Leaving the branch N. 75°38′ E., 210 feet to US–TVA Monument 1–47;

N. 88°51′ E., 1,331 feet to a metal marker;

Leaving the United States of America's boundary line,

S. 51°21′ W., 3,829 feet to a metal marker;

S. 38°43′ E., 290 feet, passing a metal marker at 260 feet, to a metal marker in the center line of the Nottely Dam Access Road;

With the center line of the access road as it meanders in a southwesterly direction to

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

a metal marker (Coordinates: N. 1,801,745; E. 516,694) in the center line of an old road and in the boundary of the United States of America's land;

With the United States of America's boundary line,

With the center line of the old road as it meanders in a northerly direction approximately along a bearing and distance of N. 6°41' E., 112 feet to a metal marker;

Leaving the old road, N. 9°30' W., 212 feet to a metal marker;

N. 0°06' E., 1,135 feet to a metal marker in the center line of an old road;

With the center line of the old road as it meanders in a northerly direction, passing a point (Coordinates: N. 1,803,805; E. 516,541) at a junction of roads, to a point (Coordinates: N. 1,804,568; E. 517,178);

Leaving the old road, N. 46°59' W., 554 feet to a metal marker;

N. 42°22' E., 537 feet to a metal marker;

S. 50°23' E., 565 feet to US–TVA Monument 1–35 on the northwest side of a public road;

With the meanders of the northwest side of the public road in a northeasterly direction approximately along the following bearings and distances:

N. 41° E., 445 feet,

N. 31° E., 110 feet,

N. 19° E., 235 feet to a metal marker (Coordinates: N. 1,805,632; E. 518,000);

N. 68°12' W., 22 feet to a metal marker in the center line of an old road;

With the center line of the old road as it meanders in a northeasterly direction, passing a metal marker (Coordinates: N. 1,805,822; E. 518,096) and a metal marker (Coordinates: N. 1,805,991; E. 518,356) at a junction of roads, to the point of beginning.

The land described above as Parcel No. 1 contains 203 acres, more or less.

Parcel No. 2

A tract of land located in Land Lots 37, 38, and 71 of District 9, approximately ½ mile northeast of Nottely Dam, and more particularly described as follows:

Beginning at US–TVA Monument 1–14 (Coordinates: N. 1,806,400; E. 526,869) in the boundary of the United States of America's land at a corner of the lands of Thomas Daniel, C. J. Johnson, and C. G. Kuykendall.

From the initial point with the United States of America's boundary line, S. 0°08' E., 2,587 feet to US–TVA Monument 2–15;

Leaving the United States of America's boundary line,

S. 89°54' W., 1,150 feet to a metal marker;

N. 0°02' E., 1,868 feet to a metal marker;

N. 46°52' W., 1,145 feet to a metal marker at the corner of Land Lots 37, 38, 71, and 72, District 9, Section 1;

N. 72°12' W., 2,078 feet to a metal marker in the center line of an old road;

With the center line of the old road as it meanders in a southwesterly direction approximately along the following bearings and distances:

S. 17°42' W., 44 feet to a metal marker,

S. 55°44' W., 426 feet to a metal marker at a junction of old roads;

Leaving the old road, S. 82°35' W., 75 feet to a metal marker;

S. 74°26' W., 80 feet, passing a 30-inch sycamore tree at 4 feet, to a point in the center line of the Nottely River and in the boundary of the United States of America's land;

With the United States of America's boundary line,

With the center line of the Nottely River as it meanders downstream to a point (Coordinates: N. 1,807,971; E. 522,366);

Leaving the river, S. 61°10' E., 713 feet to US–TVA Monument 1–50;

S. 7°06' W., 364 feet to a metal marker in the center line of an abandoned road;

With the center line of the abandoned road as it meanders in a northeasterly direction and subsequently in an easterly direction, passing a metal marker (Coordinates: N. 1,807,528; E. 523,082), a metal marker (Coordinates: N. 1,807,550; E. 523,185), a metal marker (Coordinates: N. 1,807,528; E. 523,436), and a metal marker (Coordinates: N. 1,807,492; E. 524,317), to a point (Coordinates: N. 1,807,419; E. 524,534) in the center of the junction of the abandoned road with a public road;

With the center line of the public road as it meanders in a southeasterly direction, passing a point (Coordinates: N. 1,806,905; E. 524,882), a point (Coordinates: N. 1,806,797; E. 525,063), and a point (Coordinates: N. 1,806,741; E. 525,202), to US–TVA Monument 1–13;

Leaving the public road, S. 88°32' E., 544 feet to the point of beginning. The land described above as Parcel No. 2 contains 127. acres, more or less.

Parcel No. 4

Three islands formed by the 1,780-foot (MSL) contour and lying in Nottely Lake in Land Lots 109, 110, and 144 of District 9, approximately 1¼ miles south of Nottely Dam, the said islands being more particularly described as follows:

An island having a length of approximately 1,780 feet and an approximate maximum width of 770 feet, the center of the island being defined approximately by the coordinates N. 1,796,350 and E. 523,350.

An island having a length of approximately 340 feet and an approximate maximum width of 160 feet, the center of the island being defined approximately by the coordinates N. 1,797,160 and E. 524,290.

An island having a length of approximately 340 feet and an approximate maximum width of 220 feet, the center of the island being defined approximately by the coordinates N. 1,797,460 and E. 524,830.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 4 and from this order 3.5 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 4 after giving effect to the exclusion above noted, contains 12.9 acres, more or less.

Parcel No. 5

A tract of land lying in Land Lots 106, 110, and 111 of District 9, on the northeast shores of Nottely Lake approximately 1 mile southeast of Nottely Dam, and more particularly described as follows:

Beginning at US–TVA Monument 4–6 (Coordinates: N. 1,798,393; E. 529,371) in the boundary of the United States of America's land at a corner of the lands of H. W. Deaver and Solomon A. Deaver.

From the initial point with the United States of America's boundary line,

S. 0°17' W., 2,007 feet, passing a metal marker at 1,125 feet and a metal marker in the 1,785-foot contour at 1,967 feet to a point

in the 1,780-foot contour on the shore of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general northwesterly direction;

Leaving the contour, S. 89°29' E., 783 feet, passing a metal marker (Coordinates: N. 1,798,464; E. 526,880) in the 1,785-foot contour at 26 feet, a metal marker and a stone at the corner of Land Lots 106, 107, 110, and 111 at 338 feet, and a metal marker at 768 feet, to a metal marker in the center line of a road;

With the center line of the road as it meanders in an easterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the road, S. 9°33' W., 235 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 5 and from this order 13.5 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 5 after giving effect to the exclusion above noted, contains 110. acres, more or less.

Parcel No. 6

Land lying in Land Lots 112, 141, 142, 147, and 148 of District 9, on the northeast shores of Nottely Lake approximately 1¾ miles southeast of Nottely Dam, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 1,796,259; E. 531,483) in the boundary of the United States of America's land at a corner of the lands of E. L. Chastain and the Union Power Company.

From the initial point with the United States of America's boundary line,

S. 6°10' E., 317 feet to US–TVA Monument 4–14;

S. 1°24' W., 285 feet to US–TVA Monument 4–15;

S. 78°06' W., 917 feet to US–TVA Monument 4–16;

S. 51°48' E., 650 feet to US–TVA Monument 4–38;

S. 42°52' W., 1,011 feet to a metal marker;

S. 32°48' W., 268 feet to a metal marker in the center line of a trail;

With the center line of the trail as it meanders in a southerly direction to US–TVA Monument 4–41 (Coordinates: N. 1,793,375; E. 530,344);

Leaving the trail, N. 88°44' E., 281 feet, passing a metal marker in the 1,785-foot contour at 264 feet, to a point in the 1,780-foot contour on the west shore of an inlet of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a southerly direction to the mouth of the inlet, thence down the lake in a westerly direction and subsequently in a general northerly direction to the mouth of the Chastain Branch Embayment of the lake, and thence up the embayment in a northeasterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 60°45' E., 348 feet, passing a metal marker in the 1,785-foot contour at 28 feet, to the point of beginning.

Also an island formed by the 1,780-foot (MSL) contour and lying in Nottely Lake immediately southeast of the above described mainland, the said island having a length of approximately 830 feet and an approximate maximum width of 620 feet, the center of the island being defined approximately by the coordinates N. 1,792,080 and E. 531,120.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 6 and from this order 15.7 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 6, after giving effect to the exclusion above noted, contains 132 acres, more or less.

Parcel No. 7

A tract of land lying in Land Lots 138, 139, 140, 141, 148, 149, 150, and 151 of District 9, on the north shores of the Ivylog Creek Embayment of Nottely Lake, approximately 2¼ miles southeast of Nottely Dam, and more particularly described as follows:

Beginning at US–TVA Monument 5–10 (Coordinates: N. 1,796,005; E. 537,633) at the corner of Land Lots 114, 115, 138, and 139 and in the boundary of the United States of America's land at a corner of the lands of the Union Power Company, J. L. Elliott, and Lee Truelove.

From the initial point with the United States of America's boundary line,

N. 89°40' E., 1,350 feet, passing a metal marker in the 1,785-foot contour at 1,336 feet, to a point in the 1,780-foot contour on the northwest shore of the Ivylog Creek Embayment of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders down the embayment in a general westerly direction to a point on the east shore of an inlet and in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 88°44' E., 666 feet, passing a metal marker in the 1,785-foot contour at 19 feet, to US–TVA Monument 4–36;

N. 18°12' W., 1,095 feet to US–TVA Monument 4–37;

S. 86°49' E., 863 feet to US–TVA Monument 4–18;

S. 0°14' E., 569 feet to US–TVA Monument 4–19;

N. 76°39' E., 1,486 feet to US–TVA Monument 5–1;

N. 1°00' E., 744 feet to US–TVA Monument 5–2;

S. 89°51' E., 1,195 feet to US–TVA Monument 5–3;

N. 87°54' E., 1,228 feet to US–TVA Monument 5–4;

S. 1°54' E., 1,503 feet to US–TVA Monument 5–5;

N. 88°34' E., 720 feet to US–TVA Monument 5–6;

N. 7°43' E., 335 feet to US–TVA Monument 5–7;

N. 24°41' E., 924 feet to US–TVA Monument 5–8;

N. 7°59' W., 806 feet to US–TVA Monument 5–9;

N. 21°44' E., 600 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 7 and from this order 11.7 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 7, after giving effect to the exclusion above noted, contains 158 acres, more or less.

Parcel No. 8

A tract of land lying in Land Lots 140, 148, 149, 150, 151, 176, and 185 of District 9, on the northeast shores of Nottely Lake approximately 2¾ miles southeast of Nottely Dam, and more particularly described as follows:

Beginning at US–TVA Monument 7–2 (Coordinates: N. 1,792,448; E. 539,460) in the boundary of the United States of America's land at a corner of the lands of Mrs. Callie King and Grant & Henry Brown.

For the initial point with the United States of America's boundary line,

S. 71°21' W., 1,063 feet to US–TVA Monument 7–3;

S. 89°25' W., 793 feet to US–TVA Monument 7–4;

S. 1°20' E., 129 feet to US–TVA Monument 7–5;

N. 89°37' W., 891 feet to US–TVA Monument 7–6;

S. 6°42' E., 429 feet to US–TVA Monument 7–7;

S. 87°39' W., 1,296 feet to US–TVA Monument 7–8;

S. 13°00' E., 227 feet to US–TVA Monument 7–9;

S. 88°41' W., 1,285 feet, passing US–TVA Monument 7–9A at 508 feet, to US–TVA Monument 7–10;

S. 3°37' W., 491 feet to US–TVA Monument 7–11;

N. 88°57' E., 380 feet to a metal marker in the center line of a road;

With the center line of the road as it meanders in a southerly direction to US–TVA Monument 7–13 (Coordinates: N. 1,788,188; E. 534,583);

Leaving the road, S. 88°22' E., 291 feet, passing a metal marker in the 1,785-foot contour at 271 feet, to a point in the 1,780-foot contour on the west shore of the Reece Creek Embayment of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a southerly direction to the mouth of the embayment, thence down the lake in a general northwesterly direction to the mouth of the Ivylog Creek Embayment, thence up the Ivylog Creek Embayment in a general easterly direction to a point in the center line of a branch and in the boundary of the United States of America's land;

With the United States of America's boundary line,

With the center line of the branch as it meanders upstream, passing a metal marker in the 1,785-foot contour;

Leaving the branch, S. 40°09' E., 437 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 8 and from this order 16.5 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 8, after giving effect to the exclusion above noted, contains 216 acres, more or less.

Parcel No. 9

Land lying in Land Lots 186, 187, 188, 189, 209, 210, 211, 224, and 225 of District 9, on the northeast shores of Nottely Lake approximately 3½ miles northwest of Blairsville, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the east shore of the Reece Creek Embayment of Nottely Lake and in the boundary between the lands of the United States of America and C. S. Mauney.

From the initial point with the United States of America's boundary line,

N. 88°35' E., 2,210 feet, passing a metal marker in the 1,785-foot contour at 28 feet, to US–TVA Monument 7–15 (Coordinates: N. 1,788,240; E. 537,665) at the corner of Land Lots 174, 175, 186, and 187;

S. 1°03' E., 1,358 feet to US–TVA Monument 7–16;

N. 87°33' E., 2,526 feet to US–TVA Monument 7–17;

N. 5°28' E., 262 feet to US–TVA Monument 7–18;

Due east, 1,757 feet, passing a metal marker at 1,245 feet, to US–TVA Monument 7–20;

S. 10°18' E., 246 feet to US–TVA Monument 7–21;

S. 88°35' E., 1,583 feet to a metal marker;

S. 0°05' E., 1,314 feet to US–TVA Monument 7–23;

S. 88°42' W., 798 feet to US–TVA Monument 7–24 at the corner of Land Lots 188, 189, 208, and 209;

S. 0°51' E., 1,674 feet, passing a metal marker in the 1,785-foot contour on the north shore of a small inlet at 388 feet, a metal marker in the 1,785-foot contour on the south shore of the small inlet at 561 feet, and a metal marker at 1,614 feet, to a metal marker;

S. 1°07' E., 976 feet to US–TVA Monument 9–2 at the corner of Land Lots 208, 209, 224, and 225;

N. 89°50' E., 2,366 feet to a stone in the center line of a road;

With the center line of the road as it meanders in a southerly direction to a metal marker (Coordinates: N. 1,782,310; E. 545,417);

Leaving the center line of the road, N. 62°21' E., 71 feet to a stone;

S. 0°24' E., 884 feet, passing a metal marker in the 1,785-foot contour at 840 feet, to a point in the 1,780-foot contour on the west shore of an inlet of Nottely Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 9 and from this order 20.1 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 9, after giving effect to the exclusion above noted, contains 403 acres, more or less.

Parcel No. 10

Land lying in Land Lot 243 of District 9, on the north shore of Nottely Lake, approximately 3 miles northwest of Blairsville, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the north shore of Nottely Lake and in the boundary between the lands of the United States of America and Joe and Judge Stephens.

From the initial point with the United States of America's boundary line,

N. 89°29' E., 798 feet, passing a metal marker in the 1,785-foot contour at 39 feet, a metal marker in the 1,785-foot contour at 223 feet, and a metal marker in the 1,785-foot contour at 380 feet, to a stone (Coordinates: N. 1,780,390; E. 543,138) at the corner of Land Lots 226, 227, 242, and 243;

Leaving the United States of America's boundary line,

N. 89°29' E., 5 feet to a point in the 1,780-foot contour on the shore of Nottely Lake.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 10 and from this order 0.4 acre, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 10, after giving effect to the exclusion above noted, contains 0.7 acre, more or less.

Parcel No. 11

A tract of land lying in Land Lot 227 of District 9, on the east shores of an inlet on the north side of Nottely Lake, approximately 2½ miles northwest of Blairsville, and more particularly described as follows:

Beginning at a stone (Coordinates: N. 1,780,984; E. 550,280) on the north edge of U.S. Highway 19 and in the boundary of the United States of America's land at a corner of the lands of Charles S. Sheridan and B. T. Sheridan.

From the initial point with the United States of America's boundary line,

S. 8°40' W., 92 feet, passing a metal marker on the south edge of U.S. Highway 19 at 26 feet to a stone;

N. 86°34' W., 32 feet to a metal marker;

S. 17°24' E., 9 feet to a metal marker;

S. 6°00' E., 40 feet to a metal marker;

S. 89°00' W., 66 feet, passing a metal marker which is at or near the 1,785-foot contour at 40 feet, to a point in the 1,780-foot contour on the east shore of an inlet of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general northerly direction to a point on the south side of U.S. Highway 19 and in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 4°28' W., 63 feet, passing a metal marker in the 1,785-foot contour at 24 feet, to a point (Coordinates: N. 1,781,044; E. 550,122) in U.S. Highway 19;

S. 86°33' E., 35 feet;

S. 76°30' E., 10 feet;

N. 0°48' E., 25 feet, passing a metal marker in the 1,785-foot contour at 13 feet, to a point in the 1,780-foot contour on the shore of the previously mentioned inlet of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general northerly direction to a point at or near a metal marker at a corner in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 84°48' E., 106 feet from the last mentioned metal marker, passing a metal marker in the 1,785-foot contour at 12 feet, to a metal marker;

S. 1°00' E., 23 feet to a metal marker;

S. 86°24' E., 11 feet to a 12-inch white oak tree;

S. 8°06' W., 98 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 11 and from this order 0.2 acre, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 11, after giving effect to the exclusion above noted, contains 0.3 acre, more or less.

Parcel No. 12

A tract of land lying in Land Lots 241 and 242 of District 9, on the northeast shores of Nottely Lake, approximately 2 miles northwest of Blairsville, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 1,778,989; E. 551,360) in the center line of a road and in the boundary of the United States of America's land at a corner of the lands of E. S. Davenport and Mrs. Ida Boling.

From the initial point with the United States of America's boundary line,

With the center line of the road as it meanders in a southeasterly direction, passing a metal marker (Coordinates: S. 1,778,758; E. 551,573), a metal marker (Coordinates: N. 1,778,514; E. 551,717), and a metal marker (Coordinates: N. 1,778,378; E. 551,779) in the 1,785-foot contour, to a point (Coordinates: N. 1,778,315; E. 551,843) in the 1,780-foot contour on the shore of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a westerly direction and subsequently in a northeasterly direction to a point (Coordinates: N. 1,779,404; E. 550,979) in the center line of the previously mentioned road and in the boundary of the United States of America's land;

With the United States of America's boundary line,

With the center line of the road as it meanders in a southeasterly direction, passing a metal marker (Coordinates: N. 1,779,329; E. 551,006) in the 1,785-foot contour, to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 12 and from this order 2.5 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 12, after giving effect to the exclusion above noted, contains 20.7 acres, more or less.

Parcel No. 13

Land lying in Land Lots 240, 264, and 265 of District 9, on the east shores of Nottely Lake, approximately 1¾ miles west of Blairsville, the said land being comprised of two separate portions and being more particularly described as follows:

Portion 1. Beginning at US–TVA Monument 10–19 (Coordinates: N. 1,777,725; E. 553,849) in the boundary of the United States of America's land at a corner of the lands of the Union Power Company and Olin F. Wellborn.

From the initial point with the United States of America's boundary line,

S. 88°41' W., 317 feet, crossing U.S. Highway 19, to US–TVA Monument 10–8 at the corner of Land Lots 240, 241, 264, and 265;

S. 7°02' E., 455 feet, passing a metal marker in the 1,785-foot contour at 428 feet, to a point in the 1,780-foot contour on the north shore of the Wellborn Creek Embayment of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a westerly direction to the mouth of the Wellborn Creek Embayment and thence up an inlet of the lake in a northerly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 89°01' E., approximately 25 feet to the previously mentioned US–TVA Monument 10–8;

N. 10°23' W., 58 feet;

N. 2°41' W., approximately 120 feet to a point in the 1,780-foot contour on the east shore of the last mentioned inlet;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general northerly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 2°41' W., approximately 60 feet;

N. 39°40' E., 118 feet, passing a metal marker in the 1,785-foot contour at 3 feet, to a point in a line 65 feet east of and parallel to the center line of U.S. Highway 19;

With a line 65 feet east of and parallel to a 300-foot cubic spiral for a 3-degree curve on the center line of the highway as it curves to the right in a southerly direction approximately 96 feet to a point opposite the S.T. of the spiral;

S. 22°24' E., 139 feet;

With a line at right angles to the center line of the highway, N. 67°36' E., 55 feet;

With a line 120 feet east of and parallel to the center line of the highway S. 22°24' E., 208 feet to the point of beginning.

Portion 2. Beginning at a point in the 1,780-foot contour on the west shore of an inlet of Nottely Lake and in the boundary of the United States of America's land from which US–TVA Monument 10–8 at a corner in the boundary of the above-described Portion 1 bears N. 89°01' E. at a distance of 216 feet.

From the initial point,

With the 1,780-foot contour as it meanders in a southerly direction to the mouth of the inlet and thence down the lake in a northwesterly direction to a point in the

boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 89°01' E., 398 feet, passing a metal marker in the 1,785-foot contour at 26 feet and a metal marker in the 1,785-foot contour at 376 feet, to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 13 and from this order 1.6 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 13, after giving effect to the exclusion above noted, contains 3.3 acres, more or less.

Parcel No. 14

A tract of land lying in Land Lot 240 of District 9, on the northeast side of Nottely Lake, approximately 1½ miles northwest of Blairsville, and more particularly described as follows:

Beginning at US–TVA Monument 10–20 (Coordinates: N. 1,777,748; E. 554,854) in the boundary of the United States of America's land at a corner of the lands of Olin F. Wellborn and the Union Power Company.

From the initial point with the United States of America's boundary line,

N. 44°09' E., 761 feet to a stone;

S. 29°21' E., 18 feet to a stone;

S. 10°51' W., 146 feet, passing US–TVA Monument 10–23WC at 111 feet, to a point in the center line of Wellborn Creek;

With the center line of Wellborn Creek as it meanders downstream in a southwesterly direction;

Leaving the creek, S. 88°41' W., 312 feet, passing US–TVA Monument 10–24WC at 17 feet, to the point of beginning.

The land described above as Parcel No. 14 contains 1.7 acres, more or less.

Parcel No. 15

A tract of land lying in Land Lot 264 of District 9, on the south shores of Nottely Lake, approximately 1¾ miles west of Blairsville, and more particularly described as follows:

Beginning at US–TVA Monument 11–7 (Coordinates: N. 1,776,328; E. 553,535) in the boundary of the United States of America's land at a corner of the lands of the E. G. Wellborn Heirs and C. L. Butt.

From the initial point with the United States of America's boundary line,

S. 72°01' W., 1,787 feet to US–TVA Monument 11–8;

S. 14°00' E., 665 feet, passing US–TVA Monument 11–9WC at 655 feet, to a point in the center line of a branch at the head of the 1,785-foot contour at the south end of an inlet of Nottely Lake;

With the center line of the branch as it meanders downstream approximately along a bearing and distance of N. 37°35' W., 117 feet to the head of the 1,780-foot contour in the inlet of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders down the inlet in a northerly direction to the mouth of the inlet and thence down the lake in an easterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, due south, 111 feet, passing a metal marker in the 1,785-foot contour at 35 feet, to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 15 and from this order 1.4 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 15, after giving effect to the exclusion above noted, contains 9.6 acres, more or less.

Parcel No. 16

A tract of land lying in Land Lot 301 of District 9, on the west shores of Nottely Lake, approximately 1½ miles west of Blairsville, and more particularly described as follows:

Beginning at US–TVA Monument 12–3 (Coordinates: N. 1,769,975; E. 554,914) in the boundary of the United States of America's land at a corner of the lands of John C. Corn and Mrs. Flora Myers.

From the initial point with the United States of America's boundary line,

N. 8°44' W., 1,845 feet, passing a metal marker in the 1,785-foot contour at 1,826 feet, to a point in the 1,780-foot contour on the shore of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a southeasterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 76°16' W., 641 feet, passing a metal marker in the 1,785-foot contour at 29 feet, to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 16 and from this order 1.3 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 16, after giving effect to the exclusion above noted, contains 13.8 acres, more or less.

Parcel No. 17

A tract of land lying in Land Lot 300 of District 9, on the south shores of Nottely Lake, approximately 1¾ miles west of Blairsville, and more particularly described as follows:

Beginning at US–TVA Monument 11–5 (Coordinates: N. 1,769,794; E. 553,568) at the corner of Land Lots 300, 301, 312, and 313 and in the boundary of the United States of America's land at a corner of the lands of Mrs. Flora Myers and John C. Corn.

From the initial point with the United States of America's boundary line,

N. 89°19' W., 1,068 feet, passing a metal marker in the 1,785-foot contour at 1,019 feet, to a point in the 1,780-foot contour on the east shore of the Coosa Creek Embayment of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders down the Coosa Creek Embayment in a northwesterly direction to the mouth of the embayment and thence up the lake in a northeasterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 0°05' E., 1,190 feet, passing a metal marker in the 1,785-foot contour at 12 feet, to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 17 and from this order 1.5 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 17, after giving effect to the exclusion above noted, contains 20.5 acres, more or less.

Parcel No. 18

Land lying in Land Lot 313 of District 9, on the west shores of the Coosa Creek Embayment of Nottely Lake, approximately 2 miles west of Blairsville, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the west shore of the Coosa Creek Embayment and in the boundary between the lands of the United States of America and Union County.

From the initial point with the United States of America's boundary line,

N. 86°29' W., 307 feet, passing a metal marker in the 1,785-foot contour at 27 feet, to US–TVA Monument 12–1 (Coordinates: N. 1,767,959; E. 550,912) at a common corner of the lands of the United States of America, Union County, Neppie Findley, and Frankie Wellborn;

N. 0°11' W., 1,872 feet to US–TVA Monument 12–2 at the corner of Land Lots 299, 300, 313, and 314;

S. 89°04' E., 913 feet, passing a metal marker in the 1,785-foot contour at 845 feet, to a point in the 1,780-foot contour on the shore of the Coosa Creek Embayment.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 18 and from this order 2.5 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 18, after giving effect to the exclusion above noted, contains 34.9 acres, more or less.

Parcel No. 19

A tract of land lying in Land Lots 227 and 242 of District 9, at the north end of a peninsula in Nottely Lake at the mouth of the Brackett Creek Embayment of the lake, and more particularly described as follows:

Beginning at a stone (Coordinates: N. 1,780,402; E. 548,732) in the boundary of the United States of America's land at a corner to the land of A. M. McAfee.

From the initial point with the United States of America's boundary line,

S. 24°03' E., 307 feet to a 2-inch black oak tree;

S. 38°20' W., 92 feet, passing a metal marker in the 1,785-foot contour at 75 feet, to a point in the 1,780-foot contour on the northeast shore of the Brackett Creek Embayment;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders around the north end of the peninsula to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 87°06' W., 344 feet, passing a metal marker in the 1,785-foot contour at 25 feet, to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 19 and from this order 0.6 acre, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 19, after giving effect to the exclusion above noted, contains 2.2 acres, more or less.

Parcel No. 20

A tract of land lying in Land Lot 242 of District 9, on the southwest shore of the Brackett Creek Embayment of Nottely Lake at the mouth of the embayment, and more particularly described as follows:

Beginning at a 16-inch cherry tree (Coordinates: N. 1,779,500; E. 548,157) in the boundary of the United States of America's land at a corner to the land of A. M. McAfee.

From the initial point with the United States of America's boundary line,

N. 1°13' W., 356 feet, passing a metal marker in the 1,785-foot contour at 344 feet, to a point in the 1,780-foot contour on the south shore of Nottely Lake immediately west of the mouth of the Brackett Creek Embayment;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders up the Brackett Creek Embayment in an easterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 26°54' W., 139 feet, passing a metal marker in the 1,785-foot contour at 20 feet, to a 4-inch mulberry tree;

S. 78°11' W., 376 feet to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 20 and from this order 0.2 acre, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 20, after giving effect to the exclusion above noted, contains 2.4 acres, more or less.

Parcel No. 21

A tract of land lying in Land Lot 243 of District 9, on the south shores of Nottely Lake, approximately 3 miles west of Blairsville, and more particularly described as follows:

Beginning at a point (Coordinates: N. 1,778,103; E. 545,519) in the center line of an old road location at a county road and in the boundary of the United States of America's land at a corner of the lands of J. A. & J. M. Brackett and J. S. Young.

From the initial point with the United States of America's boundary line,

N. 0°21' E., 719 feet, passing US–TVA Monument 10–15WC at 15 feet, to a stone;

N. 0°19' W., 1,368 feet, passing a metal marker in the 1,785-foot contour at 1,361 feet, to a point in the 1,780-foot contour on the south shore of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general easterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 0°17' E., 1,478 feet, passing a metal marker (Coordinates: N. 1,779,815; E. 546,782) in the 1,785-foot contour at 26 feet and US–TVA Monument 10–14WC at 1,468 feet, to a point in the center line of an old road;

With the center line of the old road location as it meanders in a westerly direction to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 21 and from this order 1.2 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 21, after giving effect to the exclusion above noted, contains 55 acres, more or less.

Parcel No. 22

Land lying in Land Lots 224 and 225 of District 9, on the southwest shores of Nottely Lake, approximately 3½ miles west of Blairsville, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the shore of Nottely Lake and in the boundary between the lands of the United States of America and Emma L. Stephens.

From the initial point with the United States of America's boundary line,

S. 89°29' W., 1,648 feet, passing a metal marker (Coordinates: N. 1,780,358; E. 544,627) in the 1,785-foot contour at 81 feet, a metal marker in the 1,785-foot contour at 537 feet, and a metal marker in the 1,785-foot contour at 730 feet, to a stone;

N. 89°41' W., 176 feet to US–TVA Monument 9–4 at the corner of Land Lots 224, 225, 244, and 245;

S. 88°34' W., 1,091 feet, passing a metal marker in the 1,785-foot contour on the east shore of an inlet at 315 feet and a metal marker in the 1,785-foot contour on the west shore of the inlet at 489 feet, to a metal marker;

S. 88°19' W., 441 feet to US–TVA Monument 9–6;

S. 89°17' W., 792 feet to US–TVA Monument 9–7;

N. 27°46' E., 1,608 feet to a metal marker;

N. 38°22' E., 361 feet, passing a metal marker in the 1,785-foot contour at 344 feet, to a point in the 1,780-foot contour on the southwest shore of Nottely Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 22 and from this order 3.1 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 22, after giving effect to the exclusion above noted, contains 53 acres, more or less.

Parcel No. 23

A tract of land lying in Land Lots 209, 223, and 224 of District 9, on the southwest shores of Nottely Lake, approximately 4¼ miles west of Blairsville, and more particularly described as follows:

Beginning at US–TVA Monument 9–10 (Coordinates: N. 1,782,508; E. 540,053) in the boundary of the United States of America's land at a corner of the lands of Marozy Cagle and the Rena Ballew Heirs.

From the initial point with the United States of America's boundary line,

N. 9°45' E., 437 feet to US–TVA Monument 9–11;

N. 85°06' E., 105 feet to US–TVA Monument 9–12 at the corner of Land Lots 209, 210, 223, and 224;

N. 0°10' W., 552 feet, passing a metal marker in the 1,785-foot contour at 490 feet, to a point in the 1,780-foot contour on the shore of Nottely Lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general southeasterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 52°32' W., 145 feet, passing a metal marker in the 1,785-foot contour at 9 feet, to a metal marker;

N. 84°07' W., 984 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 23 and from this order 2.2 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 23, after giving effect to the exclusion above noted, contains 9.0 acres, more or less.

Parcel No. 24

A tract of land lying in Land Lots 188 and 209 of District 9, being that northeast end of a peninsula in Nottely Lake at McBee Bend, approximately 4½ miles northwest of Blairsville, and more particularly described as follows:

Beginning at a point in the 1,780-foot contour on the shore of Nottely Lake on the southeast side of the peninsula and in the boundary between the lands of the United States of America and T. J. McGlamery.

From the initial point with the United States of America's boundary line,

N. 0°10' W., 367 feet, passing a metal marker (Coordinates: N. 1,785,284; E. 540,225) in the 1,785-foot contour at 10 feet and a metal marker in the 1,785-foot contour at 347 feet, to a point in the 1,780-foot contour on the shore of Nottely Lake and on the northwest side of the peninsula;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders around the peninsula in a northeasterly direction, a southerly direction, and subsequently in a westerly direction to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 24 and from this order 1.4 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 24, after giving effect to the exclusion above noted, contains 18.7 acres, more or less.

Parcel No. 25

A tract of land lying in Land Lot 211 of District 9, on the south shores of the Youngcane Creek Embayment of Nottely Lake at the mouth of the embayment, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 1,784,265; E. 536,070) in the boundary of the United States of America's land at a corner of the lands of Pat Haralson and James A. Mason.

From the initial point with the United States of America's boundary line,

S. 80°57' W., 166 feet, passing a metal marker in the 1,785-foot contour at 157 feet, to a point in the 1,780-foot contour on the shore of the Youngcane Creek Embayment;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a northerly direction and subsequently in a general easterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 18°03' E., 451 feet, passing a metal marker in the 1,785-foot contour at 28 feet, to a metal marker;

S. 70°58' W., 150 feet to US–TVA Monument 9–21B;

N. 73°01' W., 610 feet to US–TVA Monument 9–21A;

S. 1°38' E., 140 feet to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 25 and from this order 1.1 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 25, after giving effect to the exclusion above noted, contains 6.6 acres, more or less.

Parcel No. 26

An island formed by the 1,780-foot (MSL) contour and lying in Nottely Lake in Land Lots 185, 186, 211, and 212 of District 9 opposite the mouth of the Youngcane Creek Embayment of the lake, the said island having a length of approximately 2,200 feet and an approximate maximum width of 1,800 feet, the center of the island being defined approximately by the coordinates N. 1,785,800 and E. 535,200.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 26 and from this order 5.3 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 26, after giving effect to the exclusion above noted, contains 41.5 acres, more or less.

Parcel No. 27

Land lying in Land Lots 148, 176, and 177 of District 9 on the southwest shores of

Nottely Lake, approximately 2¾ miles southeast of Nottely Dam, and more particularly described as follows:

Beginning at a point (Coordinates: N. 1,788,746; E. 530,956) in the 1,780-foot contour on the southwest shore of Nottely Lake and in the boundary between the lands of the United States of America and John H. Huggins.

From the initial point with the United States of America's boundary line,

S. 86°33′ W., 939 feet, passing a metal marker in the 1,785-foot contour at 50 feet and a metal marker in the 1,785-foot contour at 889 feet, to a point in the 1,780-foot contour on the east shore of the Jack Creek Embayment of the lake;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a northerly direction and subsequently in a general easterly direction to the point of beginning.

Also three islands formed by the 1,780-foot (MSL) contour and lying in Nottely Lake in the vicinity of the above described mainland, the dimensions and the approximate coordinates of the center of each of the islands being defined as follows:

(1) An island having a length of approximately 1,800 feet and an approximate maximum width of 1,300 feet, the coordinates of the center of the island being approximately N. 1,790,000 and E. 530,900.

(2) An island having a length of approximately 690 feet and an approximate maximum width of 300 feet, the coordinates of the center of the island being approximately N. 1,790,670 and E. 531,630.

(3) An island having a length of approximately 1,750 feet and an approximate maximum width of 720 feet, the coordinates of the center of the island being approximately N. 1,699,900 and E. 532,400.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 27 and from this order 10.5 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 27, after giving effect to the exclusion above noted, contains 39.1 acres, more or less.

Parcel No. 28

A tract of land lying in Land Lot 183 of District 9 on the southeast shores of the Jack Creek Embayment of Nottely Lake, approximately 3¼ miles south of Nottely Dam, and more particularly described as follows:

Beginning at US–TVA Monument 6–1 (Coordinates: N. 1,786,842; E. 529,946) in the boundary of the United States of America's land at a corner of the lands of John H. Huggins, Nancy Byrd, and Moses Holbrooks.

From the initial point with the United States of America's boundary line,

S. 88°54′ W., 1,892 feet, passing a metal marker in the 1,785-foot contour at 1,762 feet, to a point in the 1,780-foot contour on the shore of the Jack Creek Embayment;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general northeasterly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, S. 0°55′ W., 1,035 feet, passing a metal marker in the 1,785-foot contour at 48 feet, to the point of beginning.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 28 and from this order 1.8 acres, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 28, after giving effect to the exclusion above noted, contains 16.9 acres, more or less.

Parcel No. 29

Land lying in Land Lots 178 and 183 of District 9 on the west shores of the Jack Creek Embayment of Nottely Lake, approximately 2¾ miles south of Nottely Dam, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the west shore of the Jack Creek Embayment and in the boundary between the lands of the United States of America and Moses Holbrooks.

From the initial point with the United States of America's boundary line,

S. 88°54′ W., 58 feet, passing a metal marker in the 1,785-foot contour at 20 feet, to US–TVA Monument 6–2 (Coordinates: N. 1,786,791; E. 527,273).

N. 1°15′ W., 941 feet, passing a metal marker in the 1,785-foot contour at 13 feet, a metal marker in the 1,785-foot contour at 296 feet, US–TVA Monument 6–3 at 456 feet, and a metal marker at 852 feet, to a point in the 1,780-foot contour at the south end of an inlet of Nottely Lake.

Also an island formed by the 1,780-foot (MSL) contour and lying in Nottely Lake immediately northeast of the above described mainland, the said island having a length of approximately 1,600 feet and an approximate maximum width of 520 feet, the center of the island being defined approximately by the coordinates N. 1,789,200 and E. 528,600.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 29 and from this order 7.5 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 29, after giving effect to the exclusion above noted, contains 21.2 acres, more or less.

Parcel No. 30

Land lying in Land Lots 126, 127, and 128 of District 8 and in Land Lots 109, 143, 144, 145, and 146 of District 9, on the south and west shores of Nottely Lake, approximately 1¼ miles south of Nottely Dam, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the southwest shore of Nottely Lake and in the boundary between the lands of the United States of America and Addie A. Nicholson.

From the initial point with the United States of America's boundary line,

S. 88°29′ W., 613 feet, passing a metal marker in the 1,785-foot contour at 14 feet, to US–TVA Monument 6–4 (Coordinates: N. 1,790,620; E. 524,582) at the corner of Land Lots 145, 146, 179, and 180 of District 9;

S. 88°29′ W., 585 feet to US–TVA Monument 6–5;

N. 8°51′ E., 137 feet to a metal marker;
N. 5°47′ E., 169 feet to a metal marker;
N. 3°59′ E., 187 feet to a metal marker;
N. 0°56′ W., 135 feet to a metal marker;
N. 2°26′ W., 235 feet to a metal marker;
N. 2°07′ E., 135 feet to a metal marker;
N. 79°17′ E., 188 feet to a metal marker;
N. 75°58′ E., 268 feet to a metal marker;
N. 36°52′ E., 55 feet to a metal marker;
N. 17°15′ E., 169 feet to a metal marker;
N. 13°30′ E., 129 feet to a metal marker;

N. 0°37′ E., 1,262 feet, passing a metal marker in the center line of a trail at 980 feet, to US–TVA Monument 4–20 at the corner of Land Lots 143, 144, 145, and 146 of District 9;

S. 89°47′ W., 2,632 feet to US–TVA Monument 4–21 at a corner of Land Lots 144 and 145 of District 9;

Due north, 373 feet to US–TVA Monument 4–21B at a corner of Land Lots 127 and 162 of District 8;

Due west, 745 feet to a metal marker;

S. 89°30′ W., 1,585 feet to US–TVA Monument 3–1 at the corner of Land Lots 127, 128, 161, and 162 of District 8;

S. 89°30′ W., 774 feet, passing a metal marker in 1,785-foot contour at 754 feet, to a point in the 1,780-foot contour on the east shore of the Low Creek Embayment of Nottely Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 30 and from this order 16.2 acres, more or less, being those portions of the said land which lie below elevation 1,785 (MSL).

The land described above as Parcel No. 30, after giving effect to the exclusion above noted, contains 310. acres, more or less.

Parcel No. 31

Land lying in Land Lot 128 of District 8 on the west shores of the Low Creek Embayment of Nottely Lake, approximately 2 miles southwest of Nottely Dam, and being all that land which lies above the 1,780-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,780-foot contour on the west shore of the Low Creek Embayment and in the boundary between the lands of the United States of America and M. V. Dean.

From the initial point with the United States of America's boundary line,

S. 89°48′ W., 109 feet, passing a metal marker in the 1,785-foot contour at 57 feet, to US–TVA Monument 3–2 (Coordinates: N. 1,793,744; E. 518,258) at a common corner of the lands of the United States of America, M. V. Dean, and Mary Davenport;

N. 1°08′ W., 1,159 feet, passing a metal marker in the 1,785-foot contour at 297 feet and a metal marker in the 1,785-foot contour at 903 feet, to US–TVA Monument 3–3;

N. 2°26′ W., 269 feet, passing a metal marker in the 1,785-foot contour at 236 feet, to a point in the 1,780-foot contour on the south shore of the Camp Creek Embayment of Nottely Lake.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 31 and from this order 1.0 acre, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 31, after giving effect to the exclusion above noted, contains 3.0 acres, more or less.

Parcel No. 32

A tract of land lying in Land Lot 126 of District 8 on the west shore of the Camp Creek Embayment of Nottely Lake, approximately 1 mile southwest of Nottely Dam, and more particularly described as follows:

Beginning at a metal marker (Coordinates: N. 1,798,283; E. 520,880) in the boundary between the lands of the United States of America and Isado Thomas.

From the initial point with the United States of America's boundary line,

N. 0°23′ W., 197 feet, passing a metal marker in the 1,785-foot contour at 170 feet, to a point in the 1,780-foot contour on the shore of the Camp Creek Embayment;

Leaving the United States of America's boundary line,

With the 1,780-foot contour as it meanders in a general southerly direction to a point in the boundary of the United States of America's land;

With the United States of America's boundary line,

Leaving the contour, N. 0°23′ W., 281 feet, passing a metal marker in the 1,785-foot contour at 27 feet, to the point of beginning.

There is hereby expressly EXCEPTED AND EXCLUDED from the land described above

as Parcel No. 32 and from this order 0.5 acre, more or less, being that portion of the said land which lies below elevation 1,785 (MSL).

The land described above as Parcel No. 32, after giving effect to the exclusion above noted, contains 0.7 acre, more or less.

TRACT No. XTCHR-2

A tract of land lying in Towns County, State of Georgia, in Land Lots 50, 51, and 52 of District 17, Section 1, on the south side of the Long Bullet Creek Embayment of Chatuge Lake, approximately 3 miles northwest of Hiawassee, and more particularly described as follows:

Beginning at a stone (Coordinates: N. 1,806,564; E. 605,474) at the corner of Land Lots 50, 51, 58, and 59 and in the boundary of the United States of America's land at a corner of the lands of W. C. Cloer and D. H. Nichols.

From the initial point with the United States of America's boundary line,

N. 0°40' E., 520 feet to a stone;

N. 89°11' W., 200 feet to a metal marker;

Leaving the United States of America's boundary line,

N. 0°16' E., 471 feet to a point in the center line of U.S. Highway 76;

With the center line of U.S. Highway 76 as it meanders in an easterly direction approximately 2,760 feet to a point in the boundary of the United States of America's land from which a metal marker bears N. 0°26' W. at a distance of 34 feet;

With the United States of America's boundary line,

Leaving the highway, S. 0°26' E., 892 feet to a stone;

S. 89°35' W., 409 feet to a metal marker at the corner of Land Lots 51, 52, 57, and 58;

N. 89°19' W., 334 feet to a stone;

S. 89°24' W., 288 feet to a stone;

S. 89°47' W., 273 feet to a stone;

Due west, 290 feet to a stone;

S. 88°15' W., 131 feet to a metal marker;

S. 89°28' W., 426 feet to a metal marker;

N. 86°00' W., 387 feet to the point of beginning.

The land as described above contains 64 acres, more or less.

TRACT No. XTCHR-3

Land lying in Towns County, State of Georgia, in Land Lots 90 and 91 of District 17 and Land Lots 75, 76, 77, 78, 113, 114, and 116 of District 18, Section 1, on the west shores of Chatuge Lake opposite Hiawassee, the said land being comprised of two parcels and being more particularly described as follows:

Parcel No. 1

All that land which lies above the 1,928-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,928-foot contour on the west shore of Chatuge Lake and in the boundary between the lands of the United States of America and R. F. Weeks.

From the initial point with the United States of America's boundary line,

S. 86°41' W., 207 feet, passing a metal marker in the 1,933-foot contour at 125 feet, to a 6-inch white oak stump (Coordinates: N. 1,798,182; E. 619,855);

N. 89°17' W., 965 feet to a twin red oak tree at the top of a ridge;

With the top of the ridge as it meanders in a northerly direction approximately along a bearing and distance of N. 5°43' W., 402 feet to a stone;

Leaving the ridge, N. 89°16' W., 776 feet to a stone at the corner of Land Lots 113, 114, 115, and 116 of District 18;

N. 89°40' W., 1,365 feet to US-TVA Monument 10-16;

S. 89°52' W., 440 feet to US-TVA Monument 10-17;

N. 89°32' W., 777 feet, passing a metal marker in the 1,933-foot contour on the east shore of the Burch Branch Inlet of Chatuge Lake at 254 feet and a metal marker in the 1,933-foot contour on the west shore of the inlet at 712 feet, to a point in the center line of State Highway 288;

With the center line of State Highway 288 as it meanders in a northerly direction approximately along the following bearings and distances: N. 2°57' E., 382 feet, N. 0°53' E., 385 feet, and due north 44 feet;

Leaving the highway, N. 89°30' E., 455 feet, passing US-TVA Monument 10-21WC at 16 feet and a metal marker in the 1,933-foot contour on the west shore of the Burch Branch Inlet at 402 feet, to US-TVA Monument 10-22;

N. 2°00' E., 543 feet, passing a metal marker in the 1,933-foot contour at 255 feet, to a metal marker;

N. 89°50' W., 506 feet, passing US-TVA Monument 10-24A at 492 feet, to a point at State Highway 288;

N. 1°56' E., 89 feet to US-TVA Monument 10-25;

S. 89°40' E., 561 feet, passing a stone and a metal maker at 15 feet and a metal marker in the 1,933-foot contour at 533 feet, to a point in the 1,928-foot contour on the west shore of the Burch Branch Inlet of Chatuge Lake.

Also two islands formed by the 1,928-foot contour and lying in Chatuge Lake in the vicinity of the above described mainland, the dimensions and the approximate coordinates of the center of each of the islands being defined as follows:

(1) An island having a length of approximately 620 feet and an approximate maximum width of 350 feet, the coordinates of the center of the island being approximately N. 1,804,300 and E. 618,450.

(2) An island having a length of approximately 400 feet and an approximate maximum width of 190 feet, the coordinates of the center of the island being approximately N. 1,801,160 and E. 619,240.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 1 and from this order 21.0 acres, more or less, being those portions of the said land which lie below elevation 1,933 (MSL).

The land described above as Parcel No. 1, after giving effect to the exclusion above noted, contains 276 acres, more or less.

Parcel No. 2

All that land which lies above the 1,928-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a point in the 1,928-foot contour on the north shore of the Hog Creek Embayment of Chatuge Lake, in the center line of State Highway 288 at the north end of a bridge across the embayment, and in the boundary between the lands of the United States of America and the Trustees of the Union Hill Methodist Church.

From the initial point with the United States of America's boundary line,

N. 2°32' E., 205 feet, passing a metal marker at 11 feet, to a stone and US-TVA Monument 10-26;

S. 89°27' W., 209 feet to US-TVA Monument 10-27 (Coordinates: N. 1,801,171; E. 614,691);

N. 33°41' E., 18 feet to a stone and a metal marker;

N. 6°30' E., 265 feet to a 4-inch pine tree and a metal marker;

N. 25°40' W., 259 feet to a stone;

N. 19°00' W., 194 feet to a stone;

N. 2°44' E., 294 feet to a 14-inch oak tree;

N. 88°39' E., 127 feet to a stone;

N. 1°27' W., 434 feet to a stone;

S. 86°21' E., 229 feet, passing a metal marker in the 1,933-foot contour at 181 feet, to a point in the 1,928-foot contour on the west shore of an inlet of the Hog Creek Embayment of Chatuge Lake.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 2 and from this order 6.1 acres, more or less, being those portions of the said land which lie below elevation 1,933 (MSL).

The land described above as Parcel No. 2, after giving effect to the exclusion above noted, contains 45.0 acres, more or less.

NOTE: The positions of corners and directions of lines are referred to the Georgia (West) Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936. The boundary markers designated "US-TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

2. There is hereby included in and reserved as parts of the Nantahala National Forest, the following-described lands, such inclusion and reservation to be in accordance with and subject to all the provisions and conditions of the two above-mentioned agreements of September 18, 1958, between the Tennessee Valley Authority and the United States Department of Agriculture:

TRACT XTFBDR-1

A strip of land located in the Eighth Civil District of Cherokee County, State of North Carolina, on the Hiwassee Dam Access Road, approximately 1½ miles southwest of Hiwassee Dam, the strip being 125 feet wide, lying south of and adjacent to the center line of the access road, the center line of the road and the end boundaries of the strip being described as follows:

Beginning at a point on a 9 degree curve on the center line of the access road at survey station 539, +13.8 from which US-TVA Monument 56-4 (Coordinates: N. 542,864; E. 449,320) at a corner in the boundary between the lands of the United States of America and Fulbar Nelson bears S. 25°23' E. at a distance of 125 feet, the strip being bounded on the northeast end by the line extending on a bearing of S. 25°23' E. through the said survey station; thence with the curve as it curves to the right in a westerly direction, 332.8 feet to survey station 535, +81.0 where the strip terminates and becomes bounded on the west end by a line extending on a bearing of S. 5°13' W. through the said survey station, said line being radial to the curve on the center line.

The above described strip of land contains 1.0 acre, more or less.

TRACT No. XTCHR-1

Land lying in the Hiwassee Township of Clay County, State of North Carolina, on the east shores of Chatuge Lake opposite Chatuge Dam, the said land being comprised of two parcels and being more particularly described as follows:

Parcel No. 1

All that land which lies above the 1,928-foot (MSL) contour and is contiguous to and on the lakeward side of a line described as follows:

Beginning at a metal marker in the 1,928-foot contour on the south shore of the Shooting Creek Embayment of Chatuge Lake and in the boundary of the United States of America's land,

From the initial point with the United States of America's boundary line,

S. 1°32' W., 256 feet, passing a metal marker in the 1,933-foot contour at 76 feet, to US-TVA Monument 4-4 (Coordinates: N. 490,928; E. 577,342) in the said boundary line at a corner of the lands of A. M. Hollifield et ux and Otis Eller et ux;

S. 82°14' W., 222 feet to US-TVA Monument 4-5;

N. 88°52′ W., 1,310 feet to a 14-inch oak tree;
N. 1°12′ E., 191 feet to a stone;
N. 87°59′ W., 199 feet to a stone;
N. 7°01′ E., 973 feet, passing a metal marker in the 1,933-foot contour on the south shore of a small inlet at 120 feet and a metal marker in the 1,933-foot contour on the north shore of the inlet at 448 feet, to a metal marker in the center line of a road;
With the center line of the road as it meanders in a westerly direction approximately along the following bearings and distances: S. 66°33′ W., 774 feet to a metal marker, S. 79°43′ W., 286 feet to US–TVA Monument 4–31, and S. 80°30′ W., 285 feet to US–TVA Monument 4–32;
Leaving the road, S. 10°18′ E., 11 feet to a stone;
S. 15°28′ E., 458 feet to US–TVA Monument 6–3;
S. 16°09′ E., 198 feet to a metal marker;
S. 15°30′ E., 333 feet to a metal marker;
S. 15°36′ E., 205 feet to an 8-inch persimmon tree;
S. 24°51′ E., 164 feet to a metal marker;
S. 45°44′ W., 583 feet, passing a metal marker in the 1,933-foot contour on the east shore of the Blue Branch Embayment at 462 feet and a metal marker at 571 feet, to a point in the center line of a road;
With the center line of the road S. 50°44′ E., 123 feet, passing US–TVA Monument 6–8A at 42 feet, to a metal marker in the 1,933-foot contour on the shore of the Blue Branch Embayment;
Continuing with the center line of the road as it curves to the right in a southerly direction approximately along a bearing and distance of S. 6°41′ E., 379 feet to US–TVA Monument 6–30;
Leaving the road, S. 69°09′ W., 202 feet to a stump; S. 18°22′ W., 251 feet to a stone;
N. 72°31′ W., 882 feet, passing a metal marker in the 1,933-foot contour on the east shore of the Blue Branch Embayment at 194 feet and a metal marker in the 1,933-foot contour on the west shore of the embayment at 534 feet, to a metal marker;
Due South, 741 feet to a stone;
N. 84°53′ W., 213 feet to a metal marker;
N. 60°30′ W., 471 feet to a stone;
N. 1°38′ W., 352 feet to a stone;
N. 1°19′ W., 392 feet to a metal marker;
S. 70°46′ W., 137 feet to a 10-inch apple tree;
N. 77°00′ W., 498 feet to a metal marker;
S. 4°30′ W., 763 feet to a stone;
S. 11°13′ W., 282 feet, passing US–TVA Monument 6–41A at 242 feet, to a 10-inch black oak tree;
S. 8°05′ W., 475 feet to a stone;
S. 8°09′ W., 536 feet to a stone pile;
S. 80°28′ E., 1,051 feet to a 14-inch post oak tree;
S. 12°02′ W., 346 feet to US–TVA Monument 6–19 in the center line of an old road;
With the center line of an old road as it meanders in a southwesterly direction approximately along the following bearings and distances: S. 29°02′ W., 1,133 feet to US–TVA Monument 6–20 and S. 35°52′ W., 102 feet to US–TVA Monument 6–21;
Leaving the old road, S. 83°59′ E., 366 feet to US–TVA Monument 6–22 (Coordinates: N. 486,116; E. 572,672);
S. 83°09′ E., 281 feet, passing a metal marker in the 1,933-foot contour at 75 feet, to a metal marker in the 1,928-foot contour on the shore of the Sneaking Creek Embayment of Chatuge Lake.

Also two islands formed by the 1,928-foot contour and lying in Chatuge Lake in the vicinity of the above-described mainland, the dimensions and the approximate coordinates of the center of each of the islands being defined as follows:

(1) An island having a length of approximately 360 feet and an approximate maximum width of 240 feet, the coordinates of the center of the island being approximately N. 493,520 and E. 576,340.

(2) An island having a length of approximately 500 feet and an approximate maximum width of 240 feet, the coordinates of the center of the island being approximately N. 490,960 and E. 569,160.

There are hereby expressly EXCEPTED AND EXCLUDED from the land described above as Parcel No. 1 and from the operation of this order 87 acres, more or less, being those portions of the land which lie below elevation 1,933 (MSL).

The land described above as Parcel No. 1, after giving effect to the exclusion above noted, contains 693 acres, more or less.

Parcel No. 2

An island formed by the 1,928-foot (MSL) contour and lying in Chatuge Lake opposite Chatuge Dam, such island having a length of approximately 3,050 feet and an approximate maximum width of 1,870 feet, the coordinates of the center of the island being approximately N. 494,450 and E. 569,400.

There are hereby expressly EXCEPTED AND EXCLUDED from the island described above as Parcel No. 2 and from the operation of this order 7.0 acres, more or less, being that portion of the island which lies below elevation 1,933 (MSL).

The island described above as Parcel No. 2, after giving effect to the exclusion above noted, contains 44.0 acres, more or less.

NOTE: The positions of corners and directions of lines are referred to the North Carolina Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS Southeastern Supplementary Adjustment of 1936. The boundary markers designated "US–TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 29, 1959.

[F.R. Doc. 59-3749; Filed, Apr. 29, 1959; 4:40 p.m.]

Executive Order 10814

INSPECTION OF STATISTICAL TRANSCRIPT CARDS AND CORPORATION AND INDIVIDUAL INCOME TAX RETURNS BY THE SECURITIES AND EXCHANGE COMMISSION

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939 (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U.S.C. 55(a)) and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), and in the interest of the internal management of the Government, it is hereby ordered that statistical transcript cards prepared by the Internal Revenue Service from income tax returns of corporations made for taxable years ending after December 31, 1952, and corporate and individual income tax returns made for taxable years ending after December 31, 1956, shall be open to inspection by the Securities and Exchange Commission as may be needed in gathering statistical information in carrying out its functions under the Securities Exchange Act of 1934, approved June 6, 1934 (48 Stat. 881; 15 U.S.C. 78a–78jj), as amended, or in complying with directives or recommendations of the Bureau of the Budget pursuant to section 103 of the Budget and Accounting Procedures Act of 1950, approved September 12, 1950 (64 Stat. 834; 31 U.S.C. 18b), relating to the development of programs for preparing statistical information by Executive agencies. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the two Treasury decisions,[1] relating to the inspection of certain transcript cards and income tax returns by the Securities and Exchange Commission, approved by me this date.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 29, 1959.

[F.R. Doc. 59-3747; Filed, Apr. 29, 1959; 4:40 p.m.]

Executive Order 10815

INSPECTION OF INCOME, EXCESS-PROFITS, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55(a), 508, and 729(a) of the Internal Revenue Code of 1939 (53 Stat. 29, 111; 54 Stat. 989, 1008; 26 U.S.C. 55(a), 508, and 729(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1945 to 1959, inclusive, shall, during the Eighty-sixth Congress, be open to inspection by the Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 17 of Rule XI of the Rules of the House of Representatives, agreed to January 7, 1959, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 29, 1959.

[F.R. Doc. 59-3748; Filed, Apr. 29, 1959; 4:40 p.m.]

[1] See Title 26, Chapter I, Part 458 and Title 26 (1954), Chapter I, Part 301, *infra*.

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.398]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15, Designation of differential posts, is amended as follows, effective as of the beginning of the first pay period following May 2, 1959:

1. Paragraph (b) is amended by the deletion of the following:

Amman, Jordan.

2. Paragraph (c) is amended by the addition of the following:

Amman, Jordan.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Washington, D.C., April 16, 1959.

For the Acting Secretary of State.

W. K. SCOTT,
Assistant Secretary.

[F.R. Doc. 59-3699; Filed, Apr. 30, 1959; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Virginia

On April 17, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties of Elizabeth City and Warwick were revoked and the average values of efficient family-type farm-management units for 48 of the remaining 97 counties identified below were determined to be as herein set forth. The average values heretofore established for said 48 counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

VIRGINIA

County	Average value	County	Average value
Accomack	$25,000	Appomattox	$27,000
Albermarle	30,000	Augusta	35,000
Alleghany	30,000	Bath	30,000
Amelia	30,000	Bedford	35,000
Amherst	25,000		

VIRGINIA—Continued

County	Average value	County	Average value
Bland	$30,000	Middlesex	$25,000
Botetourt	30,000	Montgomery	37,500
Brunswick	30,000	Nansemond	22,000
Buchanan	18,000	Nelson	25,000
Buckingham	25,000	New Kent	30,000
Campbell	27,000	Norfolk	22,000
Caroline	25,000	Northampton	25,000
Carroll	35,000	Northumberland	25,000
Charles City	30,000	Nottoway	30,000
Charlotte	30,000	Orange	30,000
Chesterfield	30,000	Page	30,000
Clarke	35,000	Patrick	35,000
Craig	25,000	Pittsylvania	30,000
Culpeper	30,000	Powhatan	25,000
Cumberland	25,000	Prince Edward	30,000
Dickenson	18,000	Prince George	30,000
Dinwiddie	30,000	Princess Anne	22,000
Essex	25,000	Prince William	30,000
Fairfax	30,000	Pulaski	37,500
Fauquier	40,000	Rappahannock	30,000
Floyd	35,000	Richmond	25,000
Fluvanna	25,000	Roanoke	25,000
Franklin	25,000	Rockbridge	30,000
Frederick	40,000	Rockingham	35,000
Giles	35,000	Russell	35,000
Gloucester	25,000	Scott	30,000
Goochland	35,000	Shenandoah	30,000
Grayson	35,000	Smyth	35,000
Greene	25,000	Southampton	22,000
Greensville	30,000	Spotsylvania	25,000
Halifax	22,000	Stafford	25,000
Hanover	35,000	Surry	22,000
Henrico	25,000	Sussex	22,000
Henry	25,000	Tazewell	35,000
Highland	30,000	Warren	30,000
Isle of Wight	22,000	Washington	35,000
James City	35,000	Westmoreland	25,000
King and Queen	25,000	Wise	20,000
King George	25,000	Wythe	35,000
King William	25,000	York	35,000
Lancaster	25,000		
Lee	35,000		
Loudoun	40,000		
Louisa	25,000		
Lunenburg	22,000		
Madison	30,000		
Mathews	25,000		
Mecklenburg	22,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015)

Dated: April 27, 1959.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 59-3702; Filed, Apr. 30, 1959; 8:50 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 CCC Cotton Bulletin 1]

PART 427—COTTON

Subpart—1959 Cotton Loan Program Regulations

This bulletin contains the regulations, instructions, and requirements with respect to the 1959 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as "CCC") formulated by CCC and the Commodity Stabilization Service (hereinafter referred to as "CSS"). Loans will be made available on upland cotton produced in 1959 on farms for which the operator elected the Choice (B) allotment and on extra long staple cotton produced in 1959 in accordance with this bulletin. The requirements with respect to the Cotton Purchase Program for cotton produced on farms for which the operator elected the Choice (A) allotment are contained in 1959 Cotton Bulletin 2.

Sec.

AUTHORITY: §§ 427.1001 to 427.1029 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1443, 1421.

§ 427.1001 Administration.

Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State committees" and "county committees," respectively). Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as "county offices") and at approved lending agencies, ap-

proved warehouses, and others designated to participate in the loan program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.1002 Availability of loans.

(a) *Loans.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse and bill of lading loans.

(b) *Area.* Loans on cotton covered by bills of lading will be available in areas specified by the New Orleans office where there is a shortage of storage space and the necessary arrangements for handling the cotton can be made. Warehouse loans will be available on:

(1) Upland cotton produced on Choice (B) farms in all cotton-producing areas of the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas, at the rates shown in § 427.1029.

(ii) Sea Island and Sealand cotton produced in Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1959 in Puerto Rico at the rates shown in § 427.1029.

(c) *Time.* Loans will be available from the date rates are announced through April 30, 1960. Note and Loan Agreements covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency on or before such date or postmarked not later than April 30, 1960, if tendered for direct loans to the New Orleans office by mail.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agreements with CCC or by the New Orleans office. Disbursement of loans by approved lending agencies will be made not later than April 30, 1960, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.1003 Approved lending agency.

An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans office, which will enter into such agreements on behalf of CCC.

§ 427.1004 Producer.

A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant, or sharecropper.

§ 427.1005 Eligible producer.

A producer will be entitled to a loan on eligible Choice (B) upland cotton or extra long staple cotton produced by or for him in 1959 on a farm (as defined for purposes of cotton marketing quotas) for which a 1959 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(a) In the case of Choice (B) upland cotton, the operator of the farm has elected the Choice (B) cotton acreage allotment, in accordance with the Acreage Allotment Regulations for the 1959 Crop of Upland Cotton (23 F.R. 8385 and any amendments or supplements thereof), and the 1959 planted acreage (as determined for purposes of cotton marketing quotas) of upland cotton on the farm does not exceed the 1959 Choice (B) upland cotton acreage allotment for the farm. In the case of extra long staple cotton, the 1959 planted acreage (as determined for purposes of cotton marketing quotas) of extra long staple cotton on the farm does not exceed the 1959 extra long staple cotton allotment for the farm. For the purpose of determining eligibility for a loan, the Choice (B) upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 427.1006 Eligible cotton.

Eligible cotton shall be Choice (B) upland cotton produced in the United States in 1959 or extra long staple cotton planted in 1959 and produced in areas designated under § 427.1002, which meets the following requirements:

(a) Upland cotton must have been produced on a farm for which the farm operator elected the Choice (B) allotment and on which the acreage planted to such cotton is in compliance with such allotment, and extra long staple cotton must have been produced on a farm on which the acreage planted to such cotton is in compliance with the allotment.

(b) Such cotton must be of a grade and staple length specified in § 427.1029.

(c) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced in grade or staple for any reason, except that any such cotton which is reduced not more than two grades because of preparation will be eligible; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been reduced in grade or staple for any reason.

(d) Such cotton must be in existence and in good condition.

(e) Such cotton must not be compressed to high density.

(f) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge or mortgage it as a security for a loan.

(g) Such cotton must not have been produced on any newly irrigated or drained land (unless such land was used for the production of cotton prior to May 28, 1956) within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) or on land reclaimed by a flood-control project unless such irrigation, drainage, or flood-control project was authorized prior to May 28, 1956. If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(h) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(i) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(j) Each bale of cotton must weigh not less than 350 nor more than 625 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee, (hereinafter referred to as "Experimental Bale Packaging Program") will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(k) Each bale of cotton must bear a gin bale number.

§ 427.1007 Forms.

The following documents must be delivered by producers in connection with every loan except loans made pursuant to §§ 427.1022 and 427.1027.

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.1018.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, referred to in this subpart as "Form B") if the loan is obtained direct from the New Orleans office.

(b) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.1020 and a Receiving Agency's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office.

(c) *Loan documents executed by an administrator, executor, or trustee.* Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans office. State documentary revenue stamps shall be affixed to loan documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (CCC Cotton Form 18) which must be filed with the New Orleans office.

§ 427.1008 Approved storage.

Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

§ 427.1009 Weight and rate.

(a) Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight, in making loans on upland cotton wrapped with material under the Experimental Bale Packaging Program, there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary "to adjust to normal gross weight" under such programs. No allowances other than those provided for in this subsection will be made.

(b) The base loan rate for Middling 1-inch Choice (B) cotton at each approved warehouse will be shown in the Schedule of Base Loan Rates for Choice (B) Cotton (which will be issued about June 1, 1959). This schedule will be available at county offices. The premium or discount applicable to each other eligible grade and staple length of upland cotton is shown in § 427.1029. Loan rates for extra long staple cotton are also shown in § 427.1029. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.1010 Preparation of documents.

(a) A producer desiring to obtain a loan may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. (Forms A having a date prior to April 1, 1959, shall not be used.) Both copies should be clearly legible. The spaces provided on Forms A for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown and the total must agree with the amount of the note. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Care should be exercised by the lending agency to determine that the warehouse receipts and bills of lading are genuine. Before the loan clerk prepares loan documents for a producer, he must require the producer to present his marketing card so that he can determine whether the producer is eligible for a loan. The marketing card for Choice (B) cotton is Form MQ–76–B—Upland Cotton and for extra long staple cotton is MQ–76–ELS. The county committee, in the preparation of the producer's marketing card, will indicate the producer's eligibility for a loan. If neither of the boxes following the words "Eligible Only If Loan Agreement Approved by ASC County Committee" and "Ineligible For Price Support" contain an "X", the clerk will use this as evidence that the producer is eligible for a loan. If the box following the words "Eligible Only If Loan Agreement Approved By ASC County Committee" contains an "X", or if the marketing card shows evidence of any alteration or erasure, the clerk shall inform the producer that in order for him to obtain a loan he must have his loan documents prepared in the county office and if the cotton is eligible for a loan, the Certificate of Agricultural Stabilization and Conservation County Committee on Form A will be executed by the county office manager (or a county office employee designated by him). If the box following the words "Ineligible For Price Support" contains an "X", the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the New Orleans office or obtain loans from another approved lending agency. An approved clerk cannot execute loan documents for cotton owned by him. An approved clerk who, under a power of attorney, executes the loan documents on behalf of the producer, cannot execute the Clerk's Certificate on such loan documents.

(b) The Clerk's Certificate on each Form A tendered for a loan must be executed by the approved clerk who assisted the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer and the copy marked producer's copy is to be retained by the producer. Loan forms must not be signed in blank. All applicable entries must be completed prior to the time the form is signed by the producer or the loan clerk. The proper status of the producer (i.e., whether landowner, landlord, tennant, or sharecropper) must be shown in the space provided therefor on Form A and all landowners and landlords must sign the Lienholder's Waiver on such forms whether or not they claim liens unless the landowners and landlords as eligible producers are obtaining joint loans. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse. A split grade (i.e., a bale for which the official classification

shows a "+" or "Lt.") must be pledged on separate notes from the full grade. Not more than 999 bales shall be pledged as security for any one note. Before preparing his loan documents, the producer should give careful consideration to the manner in which he may wish to withdraw the cotton from the loan. Cotton of the same grade and staple length will ordinarily be placed on the same note. However, it may be placed on separate notes if the producer believes it will facilitate the redemption of the cotton from the loan or the sale of his equity in such cotton. The approved lending agency shown as payee on the Form A shall make disbursement to the producer, must sign the Payee's Endorsement thereon, and must execute the covering Lending Agency's Letter of Transmittal. Date of disbursement shown on the Form A must be the actual date of disbursement to the producer by such lending agency.

§ 427.1011 Service charges.

No service charges will be collected in connection with warehouse loans.

§ 427.1012 Fees.

The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedules:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 427.1013 Liens.

Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.1019 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A. If the producer tendering the cotton for loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver whether or not they claim liens, unless they sign the note jointly with the producer. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 18) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 427.1014 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges, clerk's fees, and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) In any case referred to in paragraphs (a) and (b), the producer must go to the county office in the county in which he is listed on the debt record and have his loan documents completed by a clerk in the county office. Any amount which is to be set off must be entered in the space provided in the producer's note by the county office manager (or an employee designated by him).

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 427.1015 Classification of cotton.

(a) All cotton tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted only if the sample was a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1959 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton) or receiving agency (for cotton covered by bills of lading) shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L") must be prepared by the warehouseman or receiving agency, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and the original and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse or receiving agency. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification. If through error or otherwise in any case where review classification is not involved two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman or receiving agency for all cotton for which samples are submitted to a Board for a Form A3 classification or a Form 1 or A3 review classification. The Boards will submit billings for classing charges to the warehousemen or receiving agencies at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.1016 Interest rate.

Loans and charges on the cotton covered by the loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment.

§ 427.1017 Maturity.

Loans mature July 31, 1960, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity and CCC is the holder of the note, then at CCC's election title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan plus interest and charges.

§ 427.1018 Warehouse receipts and insurance.

Only negotiable machine card type warehouse receipts, acceptable to CCC, issued by an approved warehouse and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must contain the gin bale number, must show that the cotton is covered by fire insurance, and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts

issued prior to August 1, 1959, which by their terms will expire prior to August 1, 1960, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1959. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.1021.

§ 427.1019 Warehouse charges.

(a) The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 10 days preceding the date of the Producer's Note on the Form A. In the case of loans made to a cotton cooperative marketing association as provided in § 427.1027, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G–1, referred to in this subpart as "Form G–1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G–1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

(b) The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1960, all charges on the cotton for storage and insurance shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided,* That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 25 cents per bale if such charges are included in the warehouseman's tariff: *Provided,* That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under contract with the warehouseman will be at the rate which the warehouseman pays the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton. Charges for the compression of cotton will be paid by CCC only if the charges have not been paid by the producer, and if the cotton is shipped from the warehouse by CCC. All other charges on cotton, including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided,* That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 25 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G–1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, if such charges are included in the warehouseman's tariff: *And provided further,* That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I hereby certify that since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton, and that since issuance of warehouse receipts thereon such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton; and that neither the warehouseman nor any officer or employee of the warehouseman has purchased or otherwise obtained any Producers' Equity Transfers on cotton stored in the warehouse which have not been presented to Commodity Credit Corporation within 15 days from the dates such transfers were executed by the producers.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. The rates quoted herein will remain in effect through July 31, 1960, and will remain in effect thereafter until terminated by CCC or the warehouseman on July 31, 1960, or at the end of any subsequent month by giving the other at least 30 days' prior notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the charges provided in this section shall be applicable for services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton.

§ 427.1020 Loans on order bills of lading.

(a) Loans on cotton represented by order bills of lading will be available only in areas and during the periods specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agency's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.1019 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only, be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.1019 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 427.1021 Loans on cotton to be reconcentrated.

Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, referred to in this subpart as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of his cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.1022 Advance loans.

(a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the receipt of the classification of such cotton by a Board of Cotton Examiners or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (called "the advance loan" in this subpart) on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, referred to in this subpart as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1959, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in Form J), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The producer's copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of Form J shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Agreement of Warehouseman and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee or approved clerks in the county office, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 427.1023 Tender of notes by lending agencies.

Notes (Forms A) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement-Cotton (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Lending Agency's Letter of Transmittal (CCC Cotton Form C, referred to in this subpart as "Form C"), all notes on Form A, with warehouse receipts or bills of lading (and weight and condition certificates, if required) attached, representing loans made by the lending agency within 15 days after the date of disbursement of the loans. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Separate Forms C shall be used for upland and extra long staple cotton. Notes secured by warehouse receipts or by bills of lading, and notes executed by attorneys-in-fact, must be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 427.1024 Loss or damage to pledged cotton.

In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC or a lending agency, CCC shall have the right to determine and file claims against any liable third parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan.

§ 427.1025 Transfer of producer's interest.

If the producer desires to sell his equity in the cotton covered by a note, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement—A, which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness. An approved witness shall not witness an equity transfer if he, or the firm by which he is employed, is the purchaser. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the custodial office serving the district in which the cotton was stored at the time the loan was obtained. Upon receipt of the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to a bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 5 business days or prior to the time at which the loan matures and CCC acquires or sells the cotton, whichever is the earlier. Repayments will not be accepted after CCC acquires or sells the cotton. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. In the event the Producer's Loan Statement—A is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

§ 427.1026 Repayments by producer.

If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement–A which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must send or deliver the Producer's Loan Statement–A to CCC, in care of the custodial office serving the district in which the cotton was stored when the loan was obtained, as shown in § 427.1028. Upon receipt of the Producer's Redemption Request, the custodial office will forward the note and warehouse receipts to a bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days or prior to the time at which the loan matures and CCC acquires or sells the cotton, whichever is the earlier. Repayments will not be accepted after CCC acquires or sells the cotton. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an attorney-in-fact to act in his place and stead in repaying loans shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. No partial release of the cotton represented by warehouse receipts and securing a note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs.

§ 427.1027 Cotton cooperative marketing association loans.

A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 427.1028 Custodial offices.

The custodial offices referred to in this subpart and the district served by each are shown below:

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona, Nevada.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans CSS Commodity Office. Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma, Kansas.

§ 427.1029 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton.

(a) *Premiums and discounts for eligible qualities of 1959-crop American upland cotton (basis 1-inch Middling).*

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM and better	−410	−305	−215	−85	−5	80	170	260	310	360	430	510	655	780
SM	−420	−320	−230	−95	−20	65	155	245	295	350	415	495	640	770
Mid plus	−450	−345	−250	−125	−45	35	120	205	255	310	380	465	605	740
Mid	−475	−370	−275	−150	−75	Base	80	160	215	275	345	435	570	715
SLM plus	−640	−540	−450	−330	−255	−170	−90	−20	25	70	130	205	295	395
SLM	−805	−705	−625	−510	−435	−345	−255	−200	−165	−130	−80	−25	20	70
LM plus	−960	−865	−790	−690	−620	−540	−460	−410	−385	−360	−330	−300	−280	−255
LM	−1,110	−1,020	−950	−865	−800	−730	−665	−620	−605	−590	−580	−580	−580	−580
SGO plus	−1,245	−1,165	−1,100	−1,015	−955	−880	−825	−795	−785	−780	−770	−770	−770	−770
SGO	−1,380	−1,310	−1,245	−1,170	−1,105	−1,035	−985	−965	−965	−965	−965	−965	−965	−965
GO plus	−1,490	−1,425	−1,370	−1,300	−1,240	−1,170	−1,130	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115
GO	−1,605	−1,545	−1,490	−1,430	−1,370	−1,310	−1,270	−1,260	−1,260	−1,260	−1,260	−1,260	−1,260	−1,260
Light spotted														
GM	−630	−535	−440	−325	−250	−165	−85	−20	25	75	140	205	295	385
SM	−645	−550	−460	−340	−265	−180	−100	−35	10	55	120	180	270	355
Mid	−820	−715	−630	−520	−440	−360	−290	−235	−190	−145	−90	−25	60	150
SLM	−1,105	−1,025	−950	−855	−785	−700	−635	−595	−575	−560	−535	−505	−480	−460
LM	−1,385	−1,310	−1,240	−1,165	−1,110	−1,045	−995	−970	−960	−955	−950	−950	−950	−950

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
Spotted	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
GM	−855	−760	−670	−560	−495	−405	−340	−295	−255	−210	−150	−100	−60	−15
SM	−870	−775	−685	−580	−510	−425	−360	−320	−280	−235	−175	−135	−95	−65
Mid	−1,160	−1,060	−930	−890	−810	−715	−660	−630	−600	−565	−520	−485	−445	−410
SLM	−1,405	−1,340	−1,275	−1,195	−1,130	−1,050	−1,010	−990	−985	−985	−985	−985	−985	−985
LM	−1,655	−1,595	−1,530	−1,465	−1,420	−1,360	−1,325	−1,320	−1,320	−1,320	−1,320	−1,320	−1,320	−1,320
Tinged														
GM	−1,325	−1,245	−1,185	−1,120	−1,085	−1,035	−1,010	−1,000	−995	−985	−980	−970	−960	−945
SM	−1,350	−1,270	−1,215	−1,145	−1,110	−1,060	−1,035	−1,030	−1,025	−1,015	−1,010	−1,000	−985	−975
Mid	−1,550	−1,495	−1,440	−1,385	−1,350	−1,295	−1,280	−1,270	−1,270	−1,270	−1,270	−1,270	−1,270	−1,270
SLM	−1,775	−1,720	−1,665	−1,605	−1,575	−1,525	−1,510	−1,505	−1,505	−1,505	−1,505	−1,505	−1,505	−1,505
LM	−1,990	−1,930	−1,865	−1,805	−1,770	−1,710	−1,705	−1,700	−1,700	−1,700	−1,700	−1,700	−1,700	−1,700
Yellow stained														
GM	−1,620	−1,565	−1,485	−1,435	−1,395	−1,365	−1,345	−1,335	−1,335	−1,335	−1,335	−1,335	−1,335	−1,335
SM	−1,645	−1,585	−1,510	−1,460	−1,425	−1,395	−1,375	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370
Mid	−1,830	−1,780	−1,700	−1,640	−1,615	−1,570	−1,560	−1,555	−1,555	−1,555	−1,555	−1,555	−1,555	−1,555
Light gray														
GM	−630	−530	−445	−325	−260	−170	−90	−30	10	50	100	170	270	370
SM	−685	−585	−500	−380	−315	−235	−160	−95	−60	−25	25	90	180	265
Mid	−830	−730	−645	−540	−475	−395	−330	−270	−240	−205	−160	−100	−20	65
SLM	−1,110	−1,010	−940	−840	−780	−695	−625	−590	−570	−545	−520	−480	−455	−420
Gray														
GM	−850	−755	−670	−565	−510	−425	−355	−315	−290	−265	−230	−165	−110	−45
SM	−950	−855	−770	−660	−610	−535	−475	−435	−415	−400	−370	−320	−275	−235
Mid	−1,185	−1,090	−1,015	−930	−875	−790	−735	−705	−690	−680	−665	−635	−610	−585
SLM	−1,410	−1,315	−1,250	−1,170	−1,120	−1,040	−995	−975	−970	−965	−955	−940	−930	−915

Grade symbols: GM—Good Middling; SM—Strict Middling; Mid—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinray; GO—Good Ordinary.

(b) *Schedule of minimum loan rates (in cents per pound, net weight) for eligible qualities of 1959-crop extra long staple cotton*—(1) American-Egyptian cotton.

Grade	Staple length (inches)					
	1 3/8		1 7/16		1 1/2 and longer	
	Ariz. and Calif.	N. Mex. and Tex.	Ariz. and Calif.	N. Mex. and Tex.	Ariz. and Calif.	N. Mex. and Tex.
1	55.30	55.70	56.95	57.35	57.50	57.90
2	54.55	54.95	56.30	56.70	56.90	57.30
3	52.85	53.25	54.75	55.15	55.30	55.70
4	49.00	49.40	51.50	51.90	51.95	52.35
5	44.15	44.55	46.70	47.10	47.25	47.65
6	38.30	38.70	40.75	41.15	41.35	41.75
7	34.95	35.35	37.15	37.55	37.55	37.95
8	31.25	31.65	33.45	33.85	33.95	34.35
9	27.75	28.15	29.95	30.35	30.40	30.80

(2) Sea Island and Sealand cotton.

Grade	Staple length (inches)		
	1 3/8	1 7/16	1 1/2 and longer
1	54.15	55.75	56.35
1 1/2	53.45	55.15	55.75
2	51.80	53.65	54.15
2 1/2	48.05	50.45	50.90
3	43.30	45.80	46.35
3 1/2	37.55	39.95	40.55
4	34.35	36.45	36.85
4 1/2	30.70	32.85	33.35
5	27.30	29.45	29.85

Issued this 27th day of April 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

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[1959 CCC Cotton Bulletin 2]

PART 427—COTTON

Subpart—1959 Cotton Purchase Program Regulations

Sec.

AUTHORITY: §§ 427.1051 to 427.1070 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1441, 1443, 1421.

§ 427.1051 General statement.

This bulletin contains the regulations, instructions, and requirements with respect to the 1959 Cotton Purchase Program of Commodity Credit Corporation (hereinafter referred to as "CCC") formulated by CCC and the Commodity Stabilization Service (hereinafter referred to as "CSS"). Under this program, CCC will purchase 1959-crop Choice (A) upland cotton from producers, if such cotton was produced on a farm for which the operator elected the Choice (A) allotment and the acreage planted to cotton on the farm is in compliance with such allotment. Cotton as used herein means American upland cotton. The requirements with respect to loans to producers on cotton produced on farms for which the operators elected the Choice (B) allotment are contained in 1959 CCC Cotton Bulletin 1.

§ 427.1052 Administration.

Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State committees" and "county committees," respectively). Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as "county offices") and at approved purchasing agencies, approved warehouses, and others designated to participate in the purchase program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.1053 Availability of program.

(a) *General.* The purchase program will be available to eligible producers on eligible cotton and will be made available

on warehouse-stored cotton and cotton represented by order bills of lading.

(b) *Area.* The purchase program will be available on cotton stored in approved warehouses in all cotton-producing areas of the United States and will be available on cotton represented by order bills of lading in areas specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(c) *Time.* Purchases will be made from date purchase rates are announced through April 30, 1960. Cotton Producer's Sales Agreements covering the cotton must be signed by the producer and delivered to an approved purchasing agency on or before April 30, 1960, or postmarked not later than such date if tendered to the New Orleans office by mail for direct purchase by CCC.

(d) *Source.* Purchases of eligible cotton will be made by approved purchasing agencies and by the New Orleans office. Purchase proceeds shall be disbursed to producers by approved purchasing agencies, or by the New Orleans office. Disbursement of purchase proceeds by approved purchasing agencies shall be made not later than April 30, 1960, except where specifically approved by the New Orleans office in each instance. The producer shall not present the cotton for purchase by CCC unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.1054 Approved purchasing agency and approved sales agency.

(a) *Approved purchasing agency.* An approved purchasing agency shall be any person or firm, such as bank, cotton buyer, cotton merchant, cotton cooperative, ginner, or other legal entity, which has entered into a Cotton Purchasing Agency Agreement (CCC Cotton Form SD) with CCC. Under this agreement, a purchasing agency which purchases cotton is required to assist the producer in preparing the necessary purchase documents, to pay him or his designee the purchase price for his Choice (A) cotton, and to tender to CCC either directly or through another purchasing agency the documents covering the purchased cotton, in accordance with § 427.1069. Persons or firms desiring to enter into Cotton Purchasing Agency Agreements should make application to the New Orleans office which will enter into such agreements with qualified applicants on behalf of CCC.

(b) *Approved sales agency.* Any person or firm, such as cotton buyer, cotton merchant, cotton cooperative, cotton ginner, or other legal entity, which is an approved purchasing agency and which meets the necessary qualifications and furnishes the required surety bond, will be permitted to enter into a Cotton Sales Agency Agreement (CCC Cotton Form SL or SU) with CCC and act as sales agency to sell Choice (A) cotton locally for CCC. In selecting sales agencies, CCC will give preference to persons or firms which were actively engaged in the merchandising of cotton during 1957 and/or 1958. An approved sales agency will be permitted to offer Choice (A) cotton, which it purchased from producers as a purchasing agency or which was transferred to it by another purchasing agency, for sale locally in accordance with the terms of its agreement with CCC and such other instructions as are issued by CCC. The sales agency will be required to deposit the warehouse receipts for all cotton it retains for sale locally with a bank selected by the sales agency and approved by CCC. A sales agency which desires to purchase any Choice (A) cotton from a local sales agent of CCC, either directly or indirectly for its own account, will be required to enter into a different type of agreement from a sales agency which is acting solely in the capacity of sales agent for CCC and is not buying any such cotton from local sales agents for its own account. Any qualified person or firm desiring to enter into a Cotton Sales Agency Agreement and sell Choice (A) cotton locally should make application to the New Orleans office which will enter into such agreements on behalf of CCC.

§ 427.1055 Producer.

A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing upland cotton in the capacity of landowner, landlord, tenant, or sharecropper.

§ 427.1056 Eligible producer.

A producer will be entitled to sell to CCC eligible cotton produced by or for him in 1959 on a farm (as defined for purposes of cotton marketing quotas) for which the operator has elected the Choice (A) allotment in accordance with the Acreage Allotment Regulations for the 1959 Crop of Upland Cotton (23 F.R. 8385 and any amendments or supplements thereof), if all of the following requirements are met:

(a) The 1959 planted acreage (as determined for purposes of cotton marketing quotas) of cotton on the farm does not exceed the 1959 Choice (A) cotton acreage allotment for the farm. For the purpose of determining eligibility under this program, the cotton acreage on the farm will not be deemed to be in excess of the acreage allotment unless the acreage allotment is knowingly exceeded. If the producer operating the farm is notified that the acreage allotment has been exceeded, and the planted acreage is not adjusted to the acreage allotment within the period allowed under the notice, the acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton.

(b) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, the cotton may be sold to CCC only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may sell his separate share.

(2) If the cotton is not divided, (i) the landlord and one or more of the share tenants or sharecroppers may sell their shares of such cotton jointly, or (ii) the landlord may sell cotton in which both he and one or more share tenants or sharecroppers have an interest, if he has the legal right to do so, and in such cases, the share tenants or sharecroppers must be paid their pro rata share of the proceeds of the sale. In no case shall a share tenant or sharecropper sell individually cotton in which a landlord has an interest. Except as provided above, two or more producers may not sell their cotton jointly.

§ 427.1057 Eligible cotton.

Eligible cotton shall be Choice (A) upland cotton produced in the United States in 1959 which meets the following requirements:

(a) Such cotton must have been produced on a farm for which the operator elected the Choice (A) allotment and on which the acreage planted to cotton is in compliance with such allotment.

(b) Such cotton must be of a grade and staple length specified in § 427.1070.

(c) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked, and must not be below grade or shorter than $1\frac{3}{16}$-inch staple. Cotton which has been reduced in grade because of preparation, but which has not been reduced more than two grades, will be purchased at the purchase rate for the grade to which it is reduced. Cotton which has been reduced in grade or staple length, other than a reduction of not more than two grades for preparation, will be eligible for purchase but at a discount as shown in § 427.1061.

(d) Such cotton must be in existence and in good condition.

(e) Such cotton must not be compressed to high density.

(f) Such cotton must have been produced by the producer tendering it for purchase, and such producer must have the legal right to sell the cotton.

(g) Such cotton must not have been produced on any newly irrigated or drained land (unless such land was used for the production of cotton prior to May 28, 1956) within any Federal irrigation or drainage project (as defined in section 211 of the Agricultural Act of 1956) or on land reclaimed by a flood-control project unless such irrigation, drainage, or flood-control project was authorized prior to May 28, 1956. If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(h) If the producer tendering such cotton for purchase is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both

he and one or more share tenants or sharecroppers have an interest.

(i) The producer tendering such cotton must not have previously sold and repurchased such cotton.

(j) Each bale of cotton must weigh not less than 275 and not more than 700 pounds, gross weight. However, bales weighing from 275 through 349 pounds and from 626 through 700 pounds, gross weight, will be subject to a discount as shown in § 427.1061. Each bale must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must not have less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee (hereinafter referred to as "Experimental Bale Packaging Program"), will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(k) Each bale of cotton must bear a gin bale number.

§ 427.1058 Forms.

The following documents must be delivered by producers in connection with each sale to CCC:

(a) *Warehouse-stored cotton.* (1) Cotton Producer's Sales Agreement (CCC Cotton Form SA, referred to in this subpart as "Form SA").

(2) Warehouse receipts complying with the provisions of § 427.1060.

(3) Cotton Classification Memorandum Form 1 or Form A3 for each bale showing the classification assigned to the bale by a Board of Cotton Examiners of the United States Department of Agriculture and complying with § 427.1065.

(4) If the sales proceeds are to be obtained direct from the New Orleans office, a Producer's Letter of Transmittal (Sales) (CCC Cotton Form SB, referred to in this subpart as "Form SB").

(b) *Cotton represented by order bills of lading.* (1) Form SA executed within the area and during the period such purchases are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered for purchase.

(3) Cotton Classification Memorandum Form 1 or Form A3 for each bale showing the classification assigned to the bale by a Board of Cotton Examiners of the United States Department of Agriculture and complying with § 427.1065.

(4) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.1067 and a Receiving Agency's Certificate.

(5) If the sales proceeds are to be obtained direct from the New Orleans office, a Form SB.

(c) *Sales documents executed by an administrator, executor, or trustee.* Sales documents executed by an administrator, executor, or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form. State documentary revenue stamps shall be affixed to sales documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his cotton shall use Power of Attorney (CCC Cotton Form 77) which must be filed with the New Orleans office.

§ 427.1059 Approved storage.

Warehouse-stored cotton will be accepted for purchase by CCC only if stored in warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

§ 427.1060 Warehouse receipts and insurance.

Only negotiable machine card type warehouse receipts, acceptable to CCC, issued by an approved warehouse and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer, will be acceptable. The warehouse receipts must show that the cotton is covered by fire insurance and that warehouse charges have been paid as provided in § 427.1066. The warehouse receipts must contain the gin bale number and must be dated on or prior to the date of the Producer's Sales Agreement. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1959, which by their terms will expire prior to August 1, 1960, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1959. Block warehouse receipts will not be accepted without prior approval by CCC.

§ 427.1061 Weight, purchase rate, and ambunt.

(a) *Weight.* Purchases will be made on the gross weight of each bale. Forms SA covering cotton offered for sale to CCC on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight in purchasing upland cotton wrapped with material under the Experimental Bale Packaging Program, there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary "to adjust to normal gross weight" under such programs. No allowances other than those provided for in this subsection will be made.

(b) *Purchase rate.* (1) The base purchase rate applicable to Middling 1-inch cotton at each approved warehouse will be shown in the Schedule of Base Purchase Rates for Choice (A) Cotton (which will be issued about June 1, 1959).

(2) The premium or discount applicable to each other eligible grade and staple length is shown in § 427.1070.

(3) The purchase rate for cotton for which the classification memorandum shows a reduction in grade or staple length shall be four cents a pound less than the purchase rate for the quality (grade and staple length) to which the cotton is reduced, except that the purchase rate for cotton which is reduced not more than two grades because of preparation will be the purchase rate for the quality to which it is reduced.

(4) The purchase rate for bales weighing from 275 through 349 pounds, gross weight, will be reduced one cent per pound, and the purchase rate for bales weighing from 626 through 700 pounds, gross weight, will be reduced one-half cent per pound.

(c) *Amount.* The amount due the producer will be determined by multiplying the gross weight as determined in paragraph (a) of this section by the applicable purchase rate as determined in paragraph (b) of this section. After the cotton is purchased, CCC will not be obligated to make adjustments in the amount of the purchase as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.1062 Preparation of documents.

(a) A producer desiring to sell eligible warehouse-stored or bill of lading cotton may obtain the necessary forms from county offices, approved purchasing agencies, and approved warehouses. The purchasing agency will assist the producer in the preparation and execution of the Form SA, except as provided below. All applicable blanks on the purchase forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. All copies should be clearly legible. The spaces provided on Form SA for the producer to request and direct payment of the sales proceeds must be completed in every instance. All disbursements made from the proceeds of a sale must be

shown, and the total must agree with the amount of the sale. No deduction may be made from the sales proceeds by the purchasing agency as a charge for preparing (or handling) the documents. Care should be exercised by the purchasing agency to determine that the producer and the cotton are eligible and that the warehouse receipts or bills of lading are genuine. Before a purchasing agency prepares documents for a producer, it must require the producer to present his marketing card so the purchasing agency can determine whether the producer is eligible to sell his cotton to CCC. The marketing card for Choice (A) cotton (Form MQ–76–A—Upland Cotton) will be a green card. The county committee, in preparation of the producer's marketing card, will indicate the producer's eligibility. If neither of the boxes following the words "Eligible Only if Sales Agreement Approved by ASC County Committee" and "Ineligible For Price Support" contain and "X", the purchasing agency will use this as evidence that the producer is eligible to sell his cotton to CCC. If the box following the words "Eligible Only if Sales Agreement Approved by ASC County Committee" contains an "X", or if the marketing card shows evidence of any alteration or erasure, the purchasing agency shall inform the producer that in order for him to sell his cotton to CCC he must have the Certificate of Agricultural Stabilization and Conservation County Committee on Form SA executed by the county office manager (or a county office employee designated by him). If the box following the words "Ineligible For Price Support" contains an "X", the cotton produced on the farm for which the marketing card was issued is not eligible for price support under any condition and the producer should be so informed by the purchasing agency. Purchasing agencies which are also eligible producers must sell cotton produced by them direct to the New Orleans office or to another approved purchasing agency. If a purchasing agency, or any officer, employee, or agent of such purchasing agency, holds a power of attorney from an eligible producer who desires to sell his cotton to CCC, the cotton must be sold direct to the New Orleans office or to another purchasing agency.

(b) The Purchasing Agency's Certificate on each Form SA tendered for purchase by CCC must be executed by the purchasing agency making the purchase from the producer. The original of Form SA must be signed by the producer, and the copy marked "producer's copy" is to be retained by the producer. Purchase forms must not be signed in blank. All applicable entries must be completed prior to the time the form is signed by the producer and the purchasing agency. The proper status of the producer (i.e., whether landowner, landlord, tenant, or sharecropper) must be shown in the space provided therefor on Form SA and all landowners and landlords must sign the Lienholder's Waiver on such forms whether or not they claim liens unless the landowners and landlords as eligible producers are obtaining joint loans. Cotton of various grades and staple lengths may be included on one Form SA. All of the cotton on a Sales Agreement must have been ginned at the same gin, must be stored in the same warehouse, and the gin bale number of each bale must be entered in the applicable column of the Schedule of Cotton Sold on the Form SA. Not more than 999 bales shall be included on any one Sales Agreement. When a producer has two or more Choice (A) farms, the cotton produced on different farms shall not be entered on the same Form SA.

(c) County ASC offices will maintain a file of Forms SA and a record of the cotton sold to CCC from each Choice (A) farm as reflected by the county office copies of the Forms SA.

§ 427.1063 Liens.

Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.1066 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered for purchase by CCC, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form SA. If the producer tendering the cotton for purchase is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver whether or not they claim liens, unless they sign the Sales Agreement jointly with the producer. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Sales Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 77) must be filed with the New Orleans office), or if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 427.1064 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, Title 7, Part 13, CFR (23 F.R. 3757), to such indebtedness.

(c) In any case referred to in paragraphs (a) and (b) of this section, the producer must go to the county office in the county in which he is listed on the debt record and have the Certificate of Agricultural Stabilization and Conservation County Committee on Form SA executed by the county office manager (or a county office employee designated by him). Any amount which is to be set off must be entered in the space provided in the Producer's Sales Agreement by the county office manager (or an employee designated by him).

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 427.1065 Classification of cotton.

(a) All cotton tendered for purchase must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board") and tendered on the basis of such classification. Only Cotton Classification Memorandum Form 1 and Form A3 of the United States Department of Agriculture will be acceptable as proof of quality and must accompany the Cotton Producer's Sales Agreement when the cotton is sold to CCC. A Cotton Classification Memorandum Form 1 will be accepted only if the sample was a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1959 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton) or receiving agency (for cotton covered by bills of lading) shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L") must be prepared by the warehouseman or receiving agency listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples, and the original and two copies must be mailed separately to the Board. The Board will enter the classification of

each bale on the Form L and return a copy of such form to the warehouse or receiving agency. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification. If through error or otherwise, in any case where review classification is not involved, two or more samples from the same bale are submitted for classification, the purchase rate shall be based on the classification having the lower purchase rate. If a Form 1 or Form A3 review classification is obtained, the purchase rate for the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman or receiving agency for all cotton for which samples are submitted to a Board for a Form A3 classification or a Form 1 or A3 review classification. The Boards will submit billings for classing charges to the warehousemen or receiving agencies at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.1066 Warehouse charges.

(a) All warehouse charges for storage and for other services performed (except compression) must be paid by the producer to the end of the calendar month during which the Agreement of Warehouseman on the Form SA is executed by the warehouseman. The warehouseman must stamp each warehouse receipt to reflect the date through which such charges have been paid. The Agreement of Warehouseman on each Form SA must be executed by the warehouseman storing the cotton covered by the Form SA not more than 10 days preceding the date of the Producer's Sales Agreement on the Form SA. By executing the Agreement of Warehouseman on the Form SA, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form SA and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

(b) The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates through which the producer has paid storage charges through July 31, 1960, all charges on the cotton for storage and insurance shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC cotton, whichever is less. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment. The charges for delivery or outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, shall not exceed 25 cents per bale in case cotton is shipped by CCC at the request of the warehouseman and 50 cents per bale in any other case where cotton is shipped by CCC, or in either case, the warehouseman's established tariff, whichever is less: *Provided,* That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under contract with the warehouseman will be at the rate which the warehouseman pays the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton. Charges for the compression of cotton will be paid by CCC only if the charges have not been paid by the producer, and if the cotton is shipped from the warehouse by CCC. All other charges on cotton including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided,* That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 25 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Cotton Sold on the Form SA, and executing the Agreement of Warehouseman on the Form SA, if such charges are included in the warehouseman's tariff: *And provided further,* That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificates:

I hereby certify that since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton, and that since issuance of warehouse receipts thereon such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. The rates quoted herein will remain in effect through July 31, 1960, and will remain in effect thereafter until terminated by CCC or the warehouseman on July 31, 1960, or at the end of any subsequent month by giving the other at least 30 days' prior notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is sold by CCC, the charges provided in this section shall be applicable for services

rendered up to and including the last day of the calendar month in which the sale is made, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton.

§ 427.1067 Purchase of cotton represented by order bills of lading.

(a) Purchases of cotton represented by order bills of lading will be made only in areas and during the periods specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for purchase only when it is shipped by an approved receiving agency as agent for the producer. Warehouseman, ginners, and other responsible parties in areas where such purchases will be made may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who desires to sell his cotton to CCC should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Cotton Sold on a Form SA, and if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agency's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form SA and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.1066 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only, be considered as a warehouseman, and will be permitted to collect from CCC charges for gin compression as provided in § 427.1066, and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post in a conspicuous place a notice showing the fee to be charged producers. Purchases will be made at the full purchase rate at the point where the receiving agency receives the cotton. If the receiving agency is a warehouseman, CCC will not pay any storage charges on such cotton.

§ 427.1068 Manner of payment to producers.

Purchases of cotton under the 1959 Cotton Purchase Program will ordinarily be made by purchasing agencies acting as agents for CCC. In such case, the producers must tender a Cotton Producer's Sales Agreement, together with forms required in § 427.1058, to the purchasing agency not later than April 30, 1960. After completion of the Form SA, including execution of the Agreement of Warehouseman, the purchasing agency will pay the purchase price on behalf of CCC in the manner directed in the Producer's Sales Agreement on such Form SA and will distribute the copies of Form SA in accordance with the provisions of the Purchasing Agency Agreement. A producer may also obtain payments direct from CCC by tendering a properly executed Form SA, together with forms required in § 427.1058, to the New Orleans office not later than April 30, 1960. In case payment is to be obtained direct from CCC, the sales document shall be transmitted to the New Orleans office by the county office of the county in which the producer's farm is located.

§ 427.1069 Tender of Forms SA by purchasing agencies.

Forms SA evidencing purchases of eligible Choice (A) cotton made by a purchasing agency which has entered into a Form SA prior to the purchase of the cotton will be eligible for tender to CCC. The Forms SA and other required purchase documents must be tendered on a Purchasing Agency's Letter of Transmittal (CCC Cotton Form SC). Separate Forms SC shall be used for listing Forms SA covering warehouse-stored cotton which is to be retained for sale locally; Forms SA covering warehouse-stored cotton which is not to be retained for sale locally; and Forms SA covering cotton represented by order bills of lading. Separate Forms SC shall also be used for Forms SA covering cotton produced in different counties. A purchasing agency which purchases Choice (A) cotton for CCC may tender the required purchase documents as specified in § 427.1058 to CCC directly or through another purchasing agency. Such tender shall be in accordance with the provisions of Form SD and shall be made within 15 days after execution of the Producer's Sales Agreement on the Forms SA. Upon receipt of the documents by CCC, they will be examined and if found to be acceptable, the purchasing agency designated on the Form SC will be reimbursed by CCC. The required purchase documents will be the Cotton Producer's Sales Agreement (CCC copy together with county office copy); the warehouse receipts (or a tag list receipted by the custodian bank where applicable) or order bills of lading; and the class cards covering the cotton. Purchasing agents will have the following options in tendering documents to and obtaining reimbursement from CCC (all cotton listed on a Form SC must be submitted under the same option):

(a) If the purchasing agency has not entered into a Cotton Sales Agency Agreement with CCC, such tender may be made direct to the New Orleans office or through another approved purchasing agency (including a banking institution which has been approved to obtain immediate payment by drawing drafts on CCC or an approved sales agency).

(b) If the purchasing agency has entered into a Cotton Sales Agency Agreement with CCC but does not desire to retain for sale cotton covered by the sales agreements listed on a particular letter of transmittal, it shall tender the purchase documents covering such cotton directly to the New Orleans office or through another purchasing agency as set forth in paragraph (a) of this section.

(c) If the purchasing agency has entered into a Cotton Sales Agency Agreement with CCC and desires to retain, for sale locally, the cotton covered by the sales agreements listed on a particular letter of transmittal, it shall tender the purchase documents covering such cotton to CCC through the custodian bank (selected by the agency and approved by CCC) which will retain the warehouse receipts representing such cotton. In this case the agency shall prepare and submit to the custodian bank a tag list, in duplicate (on a form prescribed by CCC), of the warehouse receipts covered by the sales agreements listed on the letter of transmittal. If a reconcentration order number has been entered on a sales agreement, the cotton covered by such sales agreement cannot be retained for sale locally (since it will be reconcentrated) and the purchase documents must be tendered to CCC.

§ 427.1070 Schedule of premiums and discounts for eligible qualities of 1959-crop American upland cotton (basis Middling 1-inch).

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White	Pts.	Pt.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM and better	−410	−305	−215	−85	−5	80	170	260	310	360	430	510	655	780
SM	−420	−320	−230	−95	−20	65	155	245	295	350	415	495	640	770
Mid plus	−450	−345	−250	−125	−45	35	120	205	255	310	380	465	605	740
Mid	−475	−370	−275	−150	−75	Base	80	160	215	275	345	435	570	715
SLM plus	−640	−540	−450	−330	−255	−170	−90	−20	25	70	130	205	295	395
SLM	−805	−705	−625	−510	−435	−345	−255	−200	−165	−130	−80	−25	20	70
LM plus	−960	−865	−790	−690	−620	−540	−460	−410	−385	−360	−330	−300	−280	−255
LM	−1,110	−1,020	−950	−865	−800	−730	−665	−620	−605	−590	−580	−580	−580	−580
SGO plus	−1,245	−1,165	−1,100	−1,015	−955	−880	−825	−795	−785	−780	−770	−770	−770	−770
SGO	−1,380	−1,310	−1,245	−1,170	−1,105	−1,035	−985	−965	−965	−965	−965	−965	−965	−965
GO plus	−1,490	−1,425	−1,370	−1,300	−1,240	−1,170	−1,130	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115
GO	−1,605	−1,545	−1,490	−1,430	−1,370	−1,310	−1,270	−1,260	−1,260	−1,260	−1,260	−1,260	−1,260	−1,260
Light spotted														
GM	−630	−535	−440	−325	−250	−165	−85	−20	25	75	140	205	295	385
SM	−645	−550	−460	−340	−265	−180	−100	−35	10	55	120	180	270	355
Mid	−820	−715	−630	−520	−440	−360	−290	−235	−190	−145	−90	−25	60	150
SLM	−1,105	−1,025	−950	−855	−785	−700	−635	−595	−575	−560	−535	−505	−480	−460
LM	−1,385	−1,310	−1,240	−1,165	−1,110	−1,045	−995	−970	−960	−955	−950	−950	−950	−950
Spotted														
GM	−855	−760	−670	−560	−495	−405	−340	−295	−255	−210	−150	−100	−60	−15
SM	−870	−775	−685	−580	−510	−425	−360	−320	−280	−235	−175	−135	−95	−65
Mid	−1,160	−1,060	−980	−890	−810	−715	−660	−630	−600	−565	−520	−485	−445	−410
SLM	−1,405	−1,340	−1,275	−1,195	−1,120	−1,050	−1,010	−990	−985	−985	−985	−985	−985	−985
LM	−1,655	−1,595	−1,530	−1,465	−1,420	−1,360	−1,325	−1,320	−1,320	−1,320	−1,320	−1,320	−1,320	−1,320
Tinged														
GM	−1,325	−1,245	−1,185	−1,120	−1,085	−1,035	−1,010	−1,000	−995	−985	−980	−970	−960	−945
SM	−1,350	−1,270	−1,215	−1,145	−1,110	−1,060	−1,035	−1,030	−1,025	−1,015	−1,010	−1,000	−985	−975
Mid	−1,550	−1,495	−1,440	−1,385	−1,350	−1,295	−1,280	−1,270	−1,270	−1,270	−1,270	−1,270	−1,270	−1,270
SLM	−1,775	−1,720	−1,665	−1,605	−1,575	−1,525	−1,510	−1,505	−1,505	−1,505	−1,505	−1,505	−1,505	−1,505
LM	−1,990	−1,930	−1,865	−1,805	−1,770	−1,710	−1,705	−1,700	−1,700	−1,700	−1,700	−1,700	−1,700	−1,700
Yellow stained														
GM	−1,620	−1,565	−1,485	−1,435	−1,395	−1,365	−1,345	−1,335	−1,335	−1,335	−1,335	−1,335	−1,335	−1,335
SM	−1,645	−1,585	−1,510	−1,460	−1,425	−1,395	−1,375	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370
Mid	−1,830	−1,780	−1,700	−1,640	−1,615	−1,570	−1,560	−1,555	−1,555	−1,555	−1,555	−1,555	−1,555	−1,555
Light gray														
GM	−630	−530	−445	−325	−260	−170	−90	−30	10	50	100	170	270	370
SM	−685	−585	−500	−380	−315	−235	−160	−95	−60	−25	25	90	180	265
Mid	−830	−730	−645	−540	−475	−395	−330	−270	−240	−205	−160	−100	−20	65
SLM	−1,110	−1,010	−940	−840	−780	−695	−625	−590	−570	−545	−520	−480	−455	−420
Gray														
GM	−850	−755	−670	−565	−510	−425	−355	−315	−290	−265	−230	−165	−110	−45
SM	−950	−855	−770	−660	−610	−535	−475	−435	−415	−400	−370	−320	−275	−235
Mid	−1,185	−1,090	−1,015	−930	−875	−790	−735	−705	−690	−680	−665	−635	−610	−585
SLM	−1,410	−1,315	−1,250	−1,170	−1,120	−1,040	−995	−975	−970	−965	−955	−940	−930	−915

Grade symbols: GM—Good Middling; SM—Strict Middling; Mid—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

Issued this 27th day of April 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3687; Filed, Apr. 30, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 861.12]

PART 861—SUGAR BEETS; CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Berkeley, California, on February 2, 1959, the following determination is hereby issued.

§ 861.12 Fair and reasonable wage rates for persons employed in California, southern Oregon, and western Nevada in the production, cultivation, or harvesting of the 1959 crop of sugar beets.

(a) *Requirements.* A producer of sugar beets in California, southern Oregon, and western Nevada shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of the 1959 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, and after the date of publication of this section in the FEDERAL REGISTER, not less than the following:

(i) *When employed on a time basis.* (a) For thinning, hoeing, or weeding:

	Cents per hour
California (except Imperial Valley), southern Oregon and western Nevada	75
Imperial Valley	70

(b) For pulling, topping, loading, or gleaning:

	Cents per hour
California (except Imperial Valley), southern Oregon and western Nevada	80
Imperial Valley	75

(c) For the operations specified above performed by workers between 14 and 16 years of age, or by workers certified by the local County Agricultural Stabilization and Conservation Office to be handicapped because of age or physical or mental deficiency, the above rates may be reduced by not more than one-third. Maximum employment is 8 hours per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to producer.

(d) For operating mechanical equipment, irrigating and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and the worker.

(ii) *When employed on a piecework basis.* For work performed on a piecework basis the rate shall be as agreed upon between the producer and the worker: *Provided,* That for the operations of thinning, hoeing, weeding, pulling, topping, loading, or gleaning sugar

beets, the average hourly rate of earnings paid to each worker for each operation shall be not less than the applicable hourly rate specified under subdivision (i) of this subparagraph when computed on the basis of the total time each such worker is employed on the farm for the operation.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Applicability.* The requirements of this determination are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugar beets grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugar beets.

(c) *Workers not covered.* The requirements of this determination are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to electricians, mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall, upon request, furnish to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this determination.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Agricultural Stabilization and Conservation County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office. The address of the State Office will be furnished by the County Office. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1959 crop of sugar beets in California, southern Oregon, and western Nevada as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugar beets, and cost of production), and the differences in conditions among various producing areas.

(c) *1959 wage determination.* This determination continues the wage rate and other provisions of the 1958 determination.

At the public hearing held in Berkeley, California, on February 2, 1959, interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for workers employed in the production, cultivation, or harvesting of the 1959 crop of sugar beets.

Representatives of producers recommended that the wage rates and other provisions of the 1959 determination be the same as for 1958. One witness stated that during recent years in certain producing areas yields of sugar beets have declined and sucrose content has been below average. He also stated that producers' income has shown slight improvement but not enough to keep up with increases in production costs. The witness concluded that for these reasons the producers' ability to pay is less than it has been in past years. Another witness testified that in 1958 hourly wage rates paid for hoeing and thinning sugar beets ranged from 80 to 95 cents, except in the Imperial Valley, where the rate was 70 cents. The hourly wage rates for harvesting work ranged from 85 to 95 cents, except in the Imperial Valley where the rate was 75 cents. Piecework rates for thinning ranged from $11 to more than $20 per acre except in the Imperial Valley where most thinning was performed on an hourly basis.

A representative of the California Labor Federation, AFL–CIO, recommended that the minimum wage rates for sugar beet workers be substantially increased for 1959. In support of the recommendation the witness cited the minimum wage of $1.00 an hour under the Fair Labor Standards Act (which is not applicable to agricultural workers) and various publications which indicate that factory workers in California were earning from $1.63 to $2.65 per hour excluding fringe benefits. The witness also stated that the wage rates paid sugar beet field workers are generally higher than the determination minimums except in the Imperial Valley.

Consideration has been given to the testimony presented at the hearing, to the standards customarily considered in wage determinations, to information obtained by investigation, and to other pertinent factors. Costs, returns, and profits data obtained by field study for a recent crop have been recast in terms of prospective conditions for 1959. Analysis of all the factors indicates that the wage provisions of this determination are fair and reasonable under prospective conditions.

Most of the thinning work in California, except in the Imperial Valley, is performed on an agreed-upon piecework basis. Hoeing and weeding usually are performed on the hourly rate basis. Reports show that the prevailing wage rates paid sugar beet workers generally exceed the minimum hourly rates of the determination. The hourly rates for thinning and hoeing average about 10 percent above the minimum and for harvesting

about 30 percent above the minimum. The wages paid in the Imperial Valley generally are the same as the determination minimums. The wage rates paid for sugar beet work in California are about the same as the wages paid for work in other crops.

This determination specifies the minimum rates which producers must pay as one of the conditions for receiving Sugar Act payments. When employed on a piecework basis workers are guaranteed earnings not less than the minimums regardless of the experience of the worker. The determination does not preclude the payment of higher rates when necessary because of competition for labor, poor field conditions or other factors.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1131)

Issued this 27th day of April 1959.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-3688; Filed, Apr. 30, 1959; 8:47 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determinations 876.8, Amdt. 2; 876.9, Amdt. 1; and 876.10, Amdt. 1]

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices; 1956, 1957, and 1958 Crops

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended, subdivision (iv) of paragraph (b)(2) of § 876.8 of the Determination of Fair and Reasonable Prices for the 1956 Crop of Hawaiian Sugarcane (21 F.R. 5215), as amended (21 F.R. 9762); and subdivision (iv) of paragraph (a)(2) of § 876.9 of the Determination of Fair and Reasonable Prices for the 1957 Crop of Hawaiian Sugarcane (22 F.R. 4600), and subdivision (iv) of paragraph (a)(2) of § 876.10 of the Determination of Fair and Reasonable Prices for the 1958 Crop of Hawaiian Sugarcane (23 F.R. 3655); are hereby amended by inserting the following sentence at the end of each of such subdivisions: "The processor may also deduct from the amount of gross proceeds received for the raw sugar and molasses of the producer, the amount of the applicable overhead expense of the processor incurred while acting as agent for the producer in the handling and delivering of such sugar and molasses: *Provided,* That the toll agreement between the processor and the producer specifies that the administrative expense is a recognized element of marketing expense."

Statement of bases and considerations. The fair price determinations for the 1956, 1957, and 1958 crops of Hawaiian sugarcane are amended so that applicable overhead costs of the processor may be included as a part of marketing expenses incurred or paid by the processor, as agent for the producer, in handling and delivering to California and Hawaiian Sugar Refining Corporation, Ltd., the raw sugar and molasses of the producer in instances where the toll agreement between the processor and the producer specifically provides that administrative expense is a part of the costs in connection with the marketing of such sugar and molasses.

Immediately prior to 1956, the typical agreement between processors and independent producers for handling producers' sugarcane was the sugarcane purchase agreement. Under this type of agreement the processor became the owner of the sugar and molasses recovered from the sugarcane and all handling and delivery expenses in connection with such sugar and molasses were a processor's cost. Beginning with the 1956 crop, the relationship was changed to a sugarcane tolling and agency agreement. While the agency agreements proposed by the various processors were similar, they were not entirely uniform. All processors agreed among other things to act as agent of the producers, pursuant to a uniform marketing agreement, in the handling and delivering of the producers' raw sugar and molasses to California and Hawaiian Sugar Refining Corporation. Under this type of arrangement the marketing of sugar and molasses, although handled by the processor was for the account of the producer. The tolling agreement of one of the processors provided that marketing expenses would "* * * include all of the costs and expenses in connection with the marketing of such sugar and molasses, * * *", and "administration expense" was one of the items of marketing expense enumerated in that agreement.

At the public hearing in connection with fair prices for the 1956 crop, one of the processors testified that his company proposed to charge producers all marketing costs and expenses, including administrative overhead, when acting as agent in handling and delivering their raw sugar and molasses. The fair price determination for the 1956 crop provided that the marketing expenses paid by processors as agents for producers could be deducted from the gross proceeds of sugar and molasses, but did not specifically refer to administrative expense as part of marketing expenses in connection with the handling and delivery of the producers' sugar and molasses. The 1957 and 1958 determinations were similar to the 1956 determination in this respect. These determinations specifically provided that processors could charge to producers the overhead expenses on labor, materials, and services furnished to producers in connection with their sugarcane production.

Recently the Department was requested to clarify the provisions of the fair price determinations for the 1956–58 crops relating to allowable marketing expenses. The processor company referred to above has made a direct charge for administrative overhead as a marketing expense in accordance with the provisions of its agreements with producers in the belief that the charge was permitted under the determinations. The processor has for each crop in question furnished to the Hawaiian Area Agricultural Stabilization and Conservation Office a certified statement of marketing expenses charged to producers and such statements show that overhead charges had been deducted in making settlement with producers. The Area Office did not interpret the determination as prohibiting such charge and certified that the company had complied with the applicable fair price determinations and otherwise qualified for the conditional payments provided by the Sugar Act. Producers have paid the charge for administrative expense in connection with the marketing of their sugar and molasses in the knowledge that their agreement provided for such charge and in the apparent belief that the determinations likewise permitted the charge. If the processor had adopted the view that overhead could not be charged to marketing, then the amount of overhead that he actually so charged necessarily would have been spread to his remaining activities, including the furnishing of cultivation, harvesting, and cane transportation services to producers. Then the charges for these latter services would have been higher than actually billed. The net difference in the financial relationship between the processor and producers under the two views amounts to less than one-half of one percent of the producers' total costs. This amount is not sufficient to materially alter the circumstances of a fair and reasonable price relationship which can never be precise within such narrow limits because of variable production and processing hazards from year to year. In this regard it may be noted that in converting from hand to mechanical harvesting of sugarcane, unexpected difficulties have been encountered by the processor during the crop years here involved which increased milling costs substantially above those anticipated. This situation has contributed to the generally unprofitable operation of this company.

I hereby find and conclude that the foregoing amended determinations will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929 as amended; 7 U.S.C. 1131)

Issued this 27th day of April 1959.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-3689; Filed, Apr. 30, 1959; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 126]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.387 Grapefruit Regulation 126.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955; 23 F.R. 6275; 8741), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the administrative committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of his section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 3, 1959. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order since October 13, 1958, and will so continue until May 3, 1959; the recommendation and supporting information for continued regulation subsequent to May 2, 1959, were promptly submitted to the Department after an open meeting of the Administrative Committee on April 23, 1959; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 3, 1959, and ending at 12:01 a.m., P.s.t., August 1, 1959, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-3701; Filed, Apr. 30, 1959; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Application; Availability of Visas

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of April 4, 1959 (24 F.R. 2624) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out in full the terms of the proposed amendment to the third sentence of § 245.1, Chapter I, Title 8, Code of Federal Regulations, relating to the availability of visas under section 15 of the Act of September 11, 1957, in section 245 proceedings. No representations were received concerning the proposed rule. The rule as set out below is adopted.

The third sentence of § 245.1 *Application* is amended to read as follows: "A special nonquota visa shall not be held to be available under section 15 of the Act of September 11, 1957, unless the alien, having been admitted as a nonimmigrant prior to April 18, 1958, has been allocated such a visa by the Director, Office of Refugee and Migration Affairs, Department of State; any alien who believes that he qualifies for such a visa may submit his application therefor, prior to June 1, 1959, to any immigration office for submission to the Office of Refugee and Migration Affairs, Department of State."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rule is to permit the utilization of the remaining visas under section 15 of the Act of September 11, 1957, in section 245 proceedings under the Immigration and Nationality Act, as amended, by any nonimmigrant admitted prior to April 18, 1958.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the requirements of section 4(c) of the Administrative Procedure Act relating to delayed effective date is unnecessary in this instance because the persons affected by the foregoing rule will not require additional time.

Dated: April 27, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-3691; Filed, Apr. 30, 1959; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards (23 F.R. 10514), as amended (24 F.R. 1246) is hereby rescinded in its entirety and the following is substituted in lieu thereof:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose.
121.3–2 Definition of terms.
121.3–3 Organization.

Sec.
121.3–4 Application for size determination and Small Business Certificate.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differential for Alaska.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA business loans.
121.3–11 Definition of small business for investment companies.

AUTHORITY: §§ 121.3 through 121.3–11 issued under Pub. Law 85–536 sec. 5, 72 Stat. 385.

§ 121.3 Statutory provisions.

SEC. 3. For the purposes of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b) It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

§ 121.3–1 Purpose.

This regulation establishes criteria and procedures to define and determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act").

§ 121.3–2 Definition of terms.

(a) "Affiliates:" Business concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management and contractual relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts of a concern and its affiliates during its most recently completed fiscal year.

(c) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(d) "Certificate of competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit, to perform a specific Government procurement or sales contract.

(e) "Concern" means any business entity, including but not limited to, an individual, partnership, corporation, joint venture, association or cooperative.

(f) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated Contracting Officer; the term includes the authorized representative of a Contracting Officer acting within the limits of his authority.

(g) "Non-manufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture, produce or furnish the products or services required to be furnished by such procurement. Non-manufacturer includes a concern which can furnish the products or services referred to in the specific procurement but does not manufacture, produce or furnish such products or services in connection with that procurement.

(h) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.

(i) "Number of employees", except as SBA otherwise determines in a particular industry or part thereof, means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th day of each month.

(j) "Small Business Certificate" means a certificate issued by SBA pursuant to the authority contained in sections 3 and 8(b)(6) of the Act certifying that the holder of the certificate is a small business concern for the purpose of Government procurement and in accordance with the terms of the certificate.

(k) "United States" as used in this regulation includes the several States, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3–3 Organization.

(a) Size determinations and the related activities authorized by sections 3 and 8(b)(6) of the Act is administered through the Office of Economic Adviser, Small Business Administration, Washington 25, D.C. The Director of this Office is responsible for recommending size standards, issuing Small Business Certificates, and making size determinations on original applications and upon appeals. In addition, the SBA Regional Directors may make certain size determinations as set forth in this part.

(b) An application for a size determination or Small Business Certificate shall be submitted to SBA in accordance with the regulations contained in this part.

§ 121.3–4 Application for size determination and Small Business Certificate.

(a) An application for a size determination or Small Business Certificate shall be submitted on SBA Form 355, in triplicate, to any SBA field office serving the area in which the applicant is located. The application must be complete and any supporting materials must be attached thereto. Detailed instructions on filling out application Form 355 are attached thereto.

(b) Completed SBA Forms 355 involving requests for Small Business Certificates or questions of dominance shall be reviewed by the Regional Director and Regional Counsel to develop additional facts, if necessary, and then shall be forwarded, without action, to the Office of Economic Adviser. All Small Business Certificates and determinations on questions of dominance will be issued by the Office of Economic Adviser.

(c) Completed SBA Forms 355 involving questions of affiliation shall be reviewed by the Regional Director and Regional Counsel in order to develop additional facts, if necessary, and said Regional Director may issue determinations on the applications or may request

that such determinations be made by the Office of Economic Adviser.

(d) Completed SBA Forms 355 which are submitted for a determination as to whether the requirements of § 121.3–8 (a) or (b), § 121.3–9, or § 121.3–10 have been met, shall be reviewed by the Regional Director and Regional Counsel. If it is clearly shown that the applicant meets such requirements and if the size status of the concern is not being questioned, the Regional Director may issue the necessary determinations including advice to the applicant that it may represent that it is a small business on Government bidding forms in accordance with § 121.3–8(d) or § 121.3–9(c).

§ 121.3–5 Protest of small business status.

(a) Any Contracting Officer, bidder or offerer may, prior to award, question the small business status of the apparently successful bidder or offerer by sending a written protest to the SBA Regional Director for the region in which the apparently successful bidder or offerer has its principal place of business. Such protest shall contain a statement of the basis for the protest and the facts necessary to support the protest. The Regional Director shall promptly notify the Contracting Officer of the date such protest was received and will advise the bidder in question that its size status is under review.

(b) SBA will, within ten days, if possible, after receipt of a protest, investigate and determine the small business status of the apparently successful bidder and notify the Contracting Officer, the protester, and the apparently successful bidder of its decision.

§ 121.3–6 Appeals.

Any Contracting Officer, bidder or offerer, who has questioned the small business status of a concern pursuant to § 121.3–5, or any concern which has been denied small business status by SBA may appeal a size determination by filing an appeal with the Director, Office of Economic Adviser, Small Business Administration, Washington 25, D.C. The appeal must be in writing, signed by the applicant, or its authorized representative, and shall contain the basis therefor, together with any new supporting facts.

§ 121.3–7 Differential for Alaska.

If the applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation shall be increased by twenty-five percent (25%) of the amount set forth therein.

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* A small business concern for the purpose of Government procurement is a business concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation and can further qualify under the following criteria:

(1) *General definition.* Any business concern (not otherwise defined in this section) is small if: (i) Its number of employees does not exceed 500 persons or (ii) it is certified as a small business concern by SBA.

(2) *Construction industry.* Any business concern in the construction industry is small if its average annual receipts for the preceding three fiscal years do not exceed $5,000,000.

(3) *Food canning and preserving industry.* Any business concern in the food canning and preserving industry is small if its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(4) *Petroleum refining industry.* Any business concern in the petroleum refining industry is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned and leased facilities.

(b) *Definition of a small business nonmanufacturer.* Any concern which submits a bid or offer in its own name, other than a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section, and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses or one involving equal bids, such non-manufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* If the goods to be furnished are wool, worsted, knitwear, duck, webbing and thread (spinning and finishing), non-manufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

(c) *Small Business Certificates.* Any concern employing more than 500 persons but not more than 1,000 persons engaged in an industry or a field of operation characterized by a large number of employees, may apply to the SBA field office nearest to such concern's principal place of business for a Small Business Certificate in accordance with the requirements of § 121.3–4. Small Business Certificates may be issued to such concerns if it is determined by SBA that the applicant, together with its affiliates, is a small business in its industry or field of operation and the issuance of such a certificate would be in accordance with the intent and purpose of the Act. The holder of such certificate will then qualify subject to the terms of the certificate as a small business concern for Government procurement purposes. Whenever a Small Business Certificate is issued by SBA the industry or field of operation of the concern so certified shall be published in Schedule B of this part.

(d) *Self certification by a small business.* In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria of paragraph (a) or (b) of this section may represent that it is a small business. In the absence of a written protest, such concern shall be deemed to be a small business for the purpose of the specific Government procurement involved.

§ 121.3–9 Definition of small business for sales of Government property.

(a) *General definition.* [Reserved]

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates employs not more than 100 persons.

(2) Any concern which submits bids or offers for the purchase of Government-owned timber in its own name but which proposes to resell such timber in the form of logs, bolts, pulpwood or similar products is a small business concern only when:

(i) It is a small business concern within the meaning of subparagraph (1) of this paragraph, and

(ii) In the case of Government sales reserved for or involving the preferential treatment of small businesses, such purchase is not financed by or through a concern which is not small within the meaning of § 121.3–8 or, if the purchase is financed by a business in the forest products industry, this section.

(c) *Self certification of a small business.* In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria of paragraph (b) of this section, may represent that it is a small business. In the absence of a written protest, such concern, shall be deemed to be a small business for the purpose of the specific Government sale involved.

§ 121.3–10 Definition of small business for SBA business loans.

A small business concern for the purpose of receiving a SBA business loan is a business concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation and can further qualify under the following criteria:

(a) *Certificate of competency.* A concern which has been issued a certificate of competency is a small business concern for the purpose of a SBA business loan.

(b) *Construction.* Any concern primarily engaged in construction is small if its average annual receipts are $5,000,000 or less for the preceding three fiscal years.

(c) *Food canning and preserving industry.* Any concern primarily engaged in the food canning and preserving industry is small if its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(d) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if it employs 250 or fewer employees;

(2) As large if it employs more than 1,000 employees;

(3) Either as small or large, depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if it employs more than 250 but not more than 1,000 employees.

(e) *Retail.* Any retail concern is classified:

(1) As small if its annual sales are $1,000,000 or less;

(2) As small if it is primarily engaged in making retail sales of groceries and fresh meats and its annual sales are $2,000,000 or less;

(3) As small if it is primarily engaged in making retail sales of new or used motor vehicles and its annual sales are $3,000,000 or less.

(f) *Service trades.* Any service trades concern is small if its annual receipts are $1,000,000 or less except that any hotel or power laundry is small if its annual receipts are $2,000,000 or less.

(g) *Taxicabs.* Any taxicab concern is small if its annual receipts are $1,000,000 or less.

(h) *Trucking and warehousing.* Any trucking and warehousing (local and long distance) concern is small if its annual receipts are $3,000,000 or less.

(i) *Wholesale.* Any wholesale concern is small if its annual dollar volume of sales is $5,000,000 or less. Any wholesale concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

(j) *Other standards.* If a concern is engaged in the production of a number of products or the providing of a variety of services which are classified into different industries, the appropriate standard to be used is that which has been established for the industry or activity in which it is primarily engaged. If no standard for an industry or activity has been set out in this regulation, a concern seeking a size determination should submit SBA Form 355 to the SBA field office serving the area in which the applicant is located.

§ 121.3–11 Definition of small business for investment companies.

See § 107.103–1 of this chapter.

This regulation shall become effective on May 22, 1959.

WENDELL B. BARNES,
Administrator.

APRIL 22, 1959.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO § 121.3-10(d)(3)

Census Classification Code	Industry	Employment size standard (number of employees) [1]			
	APPAREL AND RELATED PRODUCTS				
2389	Apparel, n.e.c.[2]	250			
2393	Bags, textile	250			
2387	Belts	250			
2331	Blouses	250			
2394	Canvas products	250			
2386	Clothing, sheep-lined and leather	250			
2329	Clothing, men's and boys', n.e.c.	250			
2363	Coats, children's	250			
2342	Corsets and allied garments	250			
2391	Curtains and draperies	250			
2361	Dresses, children's	250			
2334	Dresses, dozen price	250			
2333	Dresses, unit price	250			
2398	Embroideries, except Schiffli	250			
2397	Embroideries, Schiffli-machine	250			
2371	Fur goods	250			
2381	Gloves, dress, fabric	250			
2382	Gloves, work, fabric	250			
2388	Handkerchiefs	250			
2326	Hat and cap materials	250			
2325	Hats, cloth, men's and boys'	250			
2392	House furnishings, n.e.c.	250			
2351	Millinery	250			
2323	Neckwear, men's and boys'	250			
2338	Neckwear and scarfs, women's	250			
2385	Outer garments, waterproof	250			
2369	Outerwear, children's, n.e.c.	250			
2339	Outerwear, women's, n.e.c.	250			
2384	Robes and dressing gowns	250			
2321	Shirts, dress, and nightwear, men's	250			
2328	Shirts, work	250			
2312	Suit and coat findings	250			
2311	Suits and coats, men's and boys'	250			
2337	Suits, coats, and skirts, women's	250			
2383	Suspenders and garters	250			
2399	Textile products, fabricated, n.e.c.	250			
2396	Trimmings and art goods	250			
2327	Trousers, separate	250			
2395	Tucking, pleating and hemstitching	250			
2322	Underwear, men's and boys'	250			
2341	Underwear, women's and children's	250			
	CHEMICALS AND ALLIED PRODUCTS				
2887	Acids, fatty		500		
2812	Alkalies and chlorine				1,000
2831	Biological products	250			
2895	Carbon black			750	
2899	Chemical products, n.e.c.	250			
2842	Cleaning and polishing products		500		
2852	Color pigments, inorganic				1,000
2822	Colors, organic, and intermediates				1,000
2821	Cyclic (coal-tar) crudes		500		
2826	Explosives				1,000
2871	Fertilizers		500		
2872	Fertilizers (mixing only)		500		
2825	Fibers, synthetic				1,000
2896	Gases, compressed and liquefied			750	
2894	Glue and gelatin	250			
2886	Grease and tallow	250			
2863	Gum naval stores	250			
2861	Hardwood distillation	250			
2891	Ink, printing	250			
2819	Inorganic chemicals, industrial, n.e.c.			750	
2897	Insecticides and fungicides		500		
2833	Medicinal chemicals, including botanicals			750	
2881	Oil mills, cottonseed	250			
2882	Oil mills, linseed				1,000
2883	Oil mills, soybean		500		
2884	Oil mills, vegetable, n.e.c.	250			
2889	Oils, animal, n.e.c.	250			
2843	Oils and assistants, sulfonated	250			
2892	Oils, essential	250			
2869	Organic chemicals, industrial, n.e.c.				1,000
2851	Paints and varnishes	250			
2834	Pharmaceutical preparations			750	
2823	Plastics materials and elastometers, except synthetic rubber			750	
2824	Rubber, synthetic				1,000
2893	Salt		500		
2841	Soap and glycerin				1,000
2862	Softwood distillation			750	
2811	Sulphuric acid				1,000
2865	Tanning and dyeing materials	250			
2893	Toilet preparations		500		
2853	Whiting and fillers	250			
	ELECTRICAL MACHINERY				
3621	Appliances, electrical			750	
3692	Batteries, primary (dry and wet)				1,000
3691	Batteries, storage		500		
3612	Carbon and graphite products			750	
3669	Communication equipment, n.e.c.		500		
3616	Control apparatus, electrical		500		
3699	Electrical products, n.e.c.		500		
3641	Engine electrical equipment			750	
3619	Industrial apparatus, electrical, n.e.c.		500		
3651	Lamps, electric (bulbs)				1,000
3613	Measuring instruments, electrical		500		
3614	Motors and generators			750	
3663	Phonograph records			750	
3661	Radios and related products			750	
3664	Telephone and telegraph equipment				1,000

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO §121.3-10(d)(3)—Continued

Census Classification Code	Industry	Employment size standard (number of employees) [1]			
	ELECTRICAL MACHINERY—continued				
3615	Transformers			750	
3662	Tubes, electronic				1,000
3617	Welding apparatus, electrical	250			
3631	Wire and cable, insulated			750	
3611	Wiring devices and supplies		500		
3693	X-ray and therapeutic apparatus		500		
	FABRICATED METAL PRODUCTS				
3491	Barrels, drums and pails, metal		500		
3443	Boiler shop products	250			
3494	Bolts, nuts, washers and rivets		500		
3421	Cutlery		500		
3442	Doors, sash and trim, metal	250			
3465	Enameling and lacquering	250			
3467	Engraving on metal	250			
3424	Files			750	
3497	Foil, metal		500		
3466	Galvanizing	250			
3429	Hardware, n.e.c.	250			
3439	Heating and cooking equipment, n.e.c.		500		
3471	Lighting fixtures	250			
3499	Metal products, fabricated, n.e.c.	250			
3481	Nails and spikes		500		
3468	Plating and polishing	250			
3431	Plumbing fixtures and fittings		500		
3492	Safes and vaults		500		
3425	Saws and saw blades, hand	250			
3495	Screw-machine products	250			
3444	Sheet-metal work	250			
3463	Stampings, metal	250			
3493	Steel springs		500		
3441	Structural and ornamental products	250			
3411	Tin cans and other tinware				1,000
3422	Tools, edge	250			
3423	Tools, hand, n.e.c.	250			
3496	Tubes, collapsible	250			
3461	Vitreous-enameled products	250			
3489	Wirework, n.e.c.	250			
	FOOD AND KINDRED PRODUCTS				
2042	Animal feeds, prepared	250			
2082	Beer and ale		500		
2052	Biscuit, crackers and pretzels			750	
2051	Bread and other bakery products	250			
2021	Butter, creamery	250			
2043	Cereal breakfast foods			750	
2022	Cheese, natural	250			
2073	Chewing gum		500		
2072	Chocolate and cocoa products		500		
2071	Confectionery products	250			
2094	Corn wet milling			750	
2025	Dairy products, special	250			
2032	Fish, cured	250			
2095	Flavorings		500		
2041	Flour and meal		500		
2045	Flour mixes		500		
2099	Food preparations, miscellaneous, n.e.c.	250			
2033	Fruits and vegetables, canned		500		
2034	Fruits and vegetables, dehydrated		500		
2037	Fruits and vegetables, frozen		500		
2097	Ice, manufactured	250			
2024	Ice cream and ices	250			
2091	Leavening compounds		500		
2085	Liquor, distilled			750	
2098	Macaroni and spaghetti	250			
2083	Malt	250			
2093	Margarine		500		
2011	Meat packing plants		500		
2013	Meats, prepared		500		
2023	Milk, concentrated		500		
2026	Milk, fluid	250			

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO §121.3-10(d)(3)—Continued

Census Classification Code	Industry	Employment size standard (number of employees) [1]			
	FOOD AND KINDRED PRODUCTS—continued				
2027	Milk, fluid, and other dairy products	250			
2035	Pickles and sauces	250			
2015	Poultry dressing plants	250			
2044	Rice milling	250			
2031	Seafood, canned	250			
2036	Seafood, packaged	250			
2092	Shortening and cooking oils			750	
2081	Soft drinks, bottled	250			
2063	Sugar, beet			750	
2061	Sugar, raw cane	250			
2062	Sugar, refining, cane			750	
2084	Wines and brandy	250			
	FURNITURE AND FIXTURES				
2599	Furniture and fixtures, n.e.c.	250			
2511	House furniture, wood, not upholstered	250			
2514	Household furniture, metal	250			
2519	Household furniture, n.e.c.	250			
2512	Household furniture, upholstered	250			
2515	Mattresses and bedsprings	250			
2522	Office furniture, metal		500		
2521	Office furniture, wood	250			
2541	Partitions and fixtures	250			
2532	Professional furniture	250			
2531	Public building furniture	250			
2591	Restaurant furniture	250			
2561	Screens, window and door	250			
2562	Shades, window		500		
2563	Venetian blinds	250			
	INSTRUMENTS AND RELATED PRODUCTS				
3843	Dental equipment and supplies	250			
3821	Measuring instruments, mechanical		500		
3851	Ophthalmic goods	250			
3831	Optical instruments and lenses	250			
3861	Photographic equipment			750	
3811	Scientific instruments		500		
3841	Surgical and medical instruments	250			
3842	Surgical appliances and supplies	250			
3872	Watchcases	250			
3871	Watches and clocks		500		
	LEATHER AND LEATHER PRODUCTS				
3121	Belting, industrial leather	250			
3131	Footwear cut stock	250			
3141	Footwear, except rubber		500		
3151	Gloves, leather dress	250			
3152	Gloves, leather work	250			
3171	Handbags and purses	250			
3199	Leather goods, n.e.c.	250			
3172	Leather goods, small	250			
3161	Luggage	250			
3192	Saddlery, harness, and whips	250			
3142	Slippers, house	250			
3111	Tanning and finishing leather	250			
	LUMBER AND PRODUCTS, EXCEPT FURNITURE				
2441	Baskets, fruit and vegetable	250			
2443	Boxes, cigar	250			
2444	Boxes, wooden	250			
2445	Cooperage	250			
2124	Cooperage stock mills	250			
2425	Excelsior mills	250			
2493	Frames, mirror and picture	250			
2492	Lasts and related products	250			
2411	Logging camps and logging contractors	250			
2431	Millwork plants	250			
2432	Plywood plants	250			
2442	Rattan and willow ware	250			
2421	Sawmills and planing mills	250			
2423	Shingle mills	250			

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO §121.3-10(d)(3)—Continued

Census Classification Code	Industry	Employment size standard (number of employees) [1]			
	LUMBER AND PRODUCTS, EXCEPT FURNITURE—continued				
2422	Veneer mills	250			
2491	Wood preserving	250			
2499	Wood products, n.e.c.	250			
2433	Wood products, prefabricated	250			
	MACHINERY (EXCEPT ELECTRICAL)				
3593	Bearings, ball and roller			750	
3564	Blowers and fans	250			
3571	Computing and related machines				1,000
3531	Construction and mining machinery		500		
3563	Conveyors	250			
3544	Dies and tools, special	250			
3562	Elevators and escalators		500		
3519	Engines, internal-combustion				1,000
3511	Engines and turbines, steam				1,000
3522	Farm machinery (except tractors)		500		
3551	Food-products machinery	250			
3567	Furnaces and ovens, industrial	250			
3569	Industrial, general, machinery, n.e.c.	250			
3559	Industry, special, machinery, n.e.c.	250			
3582	Laundry and dry-cleaning machinery	250			
3581	Laundry equipment, domestic				1,000
3599	Machine shops	250			
3541	Machine tools		500		
3545	Metalworking machinery attachments	250			
3542	Metalworking machinery, except machine tools		500		
3579	Office and store machines, n.e.c.		500		
3532	Oil-field machinery and tools		500		
3554	Paper-industries machinery	250			
3594	Patterns and molds, industrial	250			
3592	Pipe and fittings, fabricated	250			
3566	Power-transmission equipment		500		
3555	Printing-trades machinery		500		
3561	Pumps and compressors		500		
3586	Pumps, measuring and dispensing			750	
3585	Refrigeration machinery			750	
3576	Scales and balances	250			
3589	Service and household machines, n.e.c.	250			
3583	Sewing machines			750	
3568	Stokers, mechanical		500		
3552	Textile machinery	250			
3521	Tractors				1,000
3565	Trucks and tractors, industrial	250			
3572	Typewriters				1,000
3584	Vacuum cleaners			750	
3591	Valves and fittings, except plumbing		500		
3553	Woodworking machinery	250			
	MISCELLANEOUS MANUFACTURES				
3990	Ammunition, arms, small				1,000
3989	Arms, small		500		
3954	Artists' materials	250			
3991	Beauty and barber shop equipment	250			
3981	Brooms and brushes	250			
3963	Buttons	250			
3984	Candles	250			
3955	Carbon paper and inked ribbons	250			
3982	Cork products	250			
3942	Dolls	250			
3985	Fireworks and pyrotechnics	250			
3962	Flowers, artificial	250			
3992	Furs, dressed and dyed	250			
3941	Games and toys, n.e.c.	250			
3994	Hair work	250			
3912	Jewelers' findings	250			
3986	Jewelry and instrument cases	250			
3961	Jewelry, costume	250			
3911	Jewelry (precious metal)	250			
3913	Lapidary work	250			
3983	Matches		500		
3990	Miscellaneous products, n.e.c.	250			
3988	Morticians' goods	250			
3939	Musical instruments, n.e.c.	250			

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO §121.3-10(d)(3)—Continued

Census Classification Code	Industry	Employment size standard (number of employees) [1]			
	MISCELLANEOUS MANUFACTURES—continued				
3964	Needles, pins, and fasteners	250			
3932	Organs	250			
3952	Pencils and crayons, lead	250			
3951	Pens and mechanical pencils		500		
3933	Piano and organ parts		500		
3931	Pianos		500		
3996	Pipes, tobacco	250			
3971	Plastics, products, n.e.c.	250			
3987	Shades, lamp	250			
3993	Signs and advertising displays	250			
3914	Silverware and plated ware		500		
3997	Soda-fountain and bar equipment	250			
3949	Sporting and athletic goods	250			
3953	Stamps, hand and stencils	250			
3995	Umbrellas, parasols and canes	250			
3943	Vehicles, children's	250			
	PAPER AND ALLIED PRODUCTS				
2661	Bags, paper		500		
2671	Boxes, paperboard	250			
2613	Building paper and board mills			750	
2641	Coating and glazing paper		500		
2651	Envelopes	250			
2674	Fiber cans, tubes, drums, etc.	250			
2691	Paper and board, die-cut	250			
2699	Paper and board products, n.e.c.		500		
2612	Paper and paperboard mills			750	
2694	Pulp goods, pressed and molded		500		
2611	Pulp mills			750	
2693	Wallpaper	250			
	PETROLEUM AND COAL PRODUCTS				
2931	Coke ovens, beehive				1,000
2932	Coke ovens, byproduct				1,000
2992	Lubricants, n.e.c.		500		
2951	Paving mixtures and blocks	250			
2999	Petroleum and coal products, n.e.c.	250			
2911	Petroleum refining [3]				1,000
2952	Roofing felts and coatings		500		
	PRIMARY METAL INDUSTRIES				
3334	Aluminum, primary				1,000
3352	Aluminum rolling and drawing			750	
3331	Copper, primary				1,000
3351	Copper rolling and drawing			750	
3313	Electrometallurgical products			750	
3321	Foundries, gray-iron		500		
3322	Foundries, malleable-iron		500		
3361	Foundries, nonferrous	250			
3323	Foundries, steel		500		
3391	Iron and steel forgings		500		
3332	Lead, primary				1,000
3399	Metal industries, primary, n.e.c.			750	
3359	Nonferrous metal rolling and drawing, n.e.c.		500		
3339	Nonferrous metals, primary, n.e.c.			750	
3341	Nonferrous metals, secondary	250			
3393	Pipe, welded and heavy-riveted			750	
3312	Steel works and rolling mills (includes 3311, blast furnaces)				1,000
3392	Wire drawing			750	
3333	Zinc, primary			750	
	PRINTING AND PUBLISHING INDUSTRIES				
2783	Binders and devices, loose-leaf	250			
2782	Blankbooks and paper ruling	250			
2781	Bookbinding	250			
2789	Bookbinding work, miscellaneous	250			
2732	Book printing	250			
2731	Books: publishing and printing	250			
2771	Cards, greeting	250			
2794	Electrotyping and stereotyping	250			
2702	Engraving and plate printing	250			
2701	Lithographing	250			
2711	Newspapers	250			

SCHEDULE A—EMPLOYMENT SIZE STANDARDS PURSUANT TO §121.3-10(d)(3)—Continued

Census Classification Code	Industry	Employment size standard (number of employees) [1]			
	PRINTING AND PUBLISHING INDUSTRIES—continued				
2721	Periodicals	250			
2793	Photoengraving	250			
2751	Printing, commercial	250			
2741	Publishing, miscellaneous	250			
2791	Typesetting	250			
	RUBBER PRODUCTS				
3021	Footwear, rubber				1,000
3031	Reclaimed rubber		500		
3099	Rubber industries, n.e.c.		500		
3011	Tires and inner tubes				1,000
	STONE, CLAY AND GLASS PRODUCTS				
3291	Abrasive products	250			
3292	Asbestos products			750	
3251	Brick and hollow tile	250			
3241	Cement, hydraulic		500		
3265	China decorating for the trade	250			
3259	Clay products, structural, n.e.c.	250			
3271	Concrete products	250			
3221	Containers, glass			750	
3281	Cut-stone and stone products	250			
3211	Flat glass				1,000
3293	Gaskets and asbestos insulations		500		
3231	Glass products made of purchased glass	250			
3229	Glassware, pressed and blown, n.e.c.			750	
3272	Gypsum products				1,000
3274	Lime		500		
3299	Mineral products, nonmetallic, n.e.c.	250			
3275	Mineral wool		500		
3295	Minerals, ground or treated	250			
3261	Plumbing fixtures, vitreous		500		
3264	Porcelain electrical supplies		500		
3269	Pottery products, n.e.c.	250			
3255	Refractories, clay	250			
3297	Refractories, nonclay		500		
3254	Sewer pipe	250			
3298	Statuary and art goods	250			
3253	Tile, floor and wall		500		
3263	Utensils, earthenware food		500		
3262	Utensils, vitreous-china food		500		
	TEXTILE MILL PRODUCTS				
2273	Carpets and rugs, except wool	250			
2271	Carpets and rugs, wool			750	
2298	Cordage and twine		500		
2295	Fabric, coated, except rubberized	250			
2241	Fabric, narrow, mills	250			
2233	Fabrics, cotton broad-woven			750	
2234	Fabrics, synthetic broad-woven		500		
2213	Fabrics, woolen and worsted		500		
2291	Felt goods, n.e.c.	250			
2274	Floor coverings, hard surface			750	
2281	Hats and hat bodies, fur-felt	250			
2282	Hats and hat bodies, wool felt	250			
2283	Hats, straw	250			
2284	Hatters' fur	250			
2251	Hosiery, full-fashioned mills	250			
2252	Hosiery, seamless, mills	250			
2256	Knit fabric mills	250			
2255	Knit glove mills	250			
2253	Knit outerwear mills	250			
2254	Knit underwear mills	250			
2259	Knitting mills, n.e.c.	250			
2292	Lace goods	250			
2293	Paddings and upholstery filling	250			
2211	Scouring and combing plants	250			
2261	Textile finishing, except wool		500		
2216	Textile finishing, wool	250			
2299	Textile goods, n.e.c.	250			
2294	Textile waste, processed	250			
2223	Thread mills		500		
2224	Yarn mills, cotton and silk systems		500		
2212	Yarn mills, wool, except carpet	250			
2222	Yarn throwing mills	250			
	TOBACCO MANUFACTURERS				
2131	Chewing and smoking tobacco		500		
2111	Cigarettes				1,000
2121	Cigars		500		
2141	Stemming and redrying tobacco		500		
	TRANSPORTATION EQUIPMENT				
3721	Aircraft				1,000
3722	Aircraft engines				1,000
3729	Aircraft equipment, n.e.c.				1,000
3723	Aircraft propellers				1,000
3732	Boat building and repairing	250			
3741	Locomotives and parts				1,000
3751	Motorcycles and bicycles		500		
3717	Motor vehicles and parts				1,000
3742	Railroad and streetcars			750	
3731	Ship building and repairing			750	
3716	Trailers, automobile	250			
3715	Trailers, truck		500		
3799	Transportation equipment, n.e.c.	250			
3713	Truck and bus bodies	250			

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

[2] The abbreviation "n.e.c." means not elsewhere classified.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

SCHEDULE B—INDUSTRIES AND FIELDS OF OPERATION IN WHICH THE SMALL BUSINESS ADMINISTRATION HAS ISSUED SMALL BUSINESS CERTIFICATES PURSUANT TO §121.3-8(c)

Small business certificates for the purpose of Government procurement which have been issued include specified classes of commodities or products as indicated in the following manufacturing industries. The classification number preceding each named industry contained herein is based upon the Bureau of the Census Code in the 1954 Census of Manufactures.

1. *Apparel and related products*

2394 Canvas products.

2. *Chemicals and allied products*

2896 Gases, compressed and liquified.
Acetylene, argon, hydrogen, nitrogen and oxygen.

2823 Plastics materials and elastometers, except synthetic rubber.
Vulcanized fiber (sheets and rods) and laminated plastics (sheets, rods and tubes).

2811 Sulfuric acid.

3. *Electrical machinery*

3621 Appliances, electrical.
Electric kitchen ranges.

3616 Control apparatus, electrical.
Electromechanical systems including electromechanical actuators (linear and rotary), special electrical controls for continuous duty in an enclosure and electric brakes.

3641 Engine electrical equipment.
Automotive switchgear.

3619 Industrial apparatus, electrical, n.e.c.[1]
Capacitors and rectified power supplies.

3651 Lamps, electric.
Automotive lamps.

3613 Measuring instruments, electrical.
Microwave test equipment, hydraulic test stands and other unspecified types of electronic test equipment.

3614 Motors and generators.
Electric motors (fractional horsepower motors, shaded-pole motors), engine and motor generator sets and frequency inverters.

3661 Radios and related products.
Specified electronics products and assemblies, such as loud speakers, microphones, amplifiers (including magnetic and servo), public address and sound systems, capacitors and filters, radio navigation aids (including military sonar equipment), thermistors, relays, resistors, rheostats, microwave components, radomes—50 feet or more in diameter, power supply vibrators, telemetering and data processing, and complete radio beacon systems for air/sea rescue operations and tactical purposes.

3615 Transformers.
Dry-type transformers, current regulators, constant voltage direct current power supplies and mercury vapor lamp ballasts.

3662 Tubes, electronic.
Silicon diodes and transistors, microwave tubes and devices, and special purpose cathode ray tubes.

3631 Wire and cable, insulated.

4. *Fabricated metal products*

3491 Barrels, drums and pails, metal.
Metal shipping containers for aircraft engines.

3443 Boiler shop products.
Altitude and environmental test chambers, vacuum systems, wind tunnels and nuclear reactors.

[1] The abbreviation "n.e.c." means not elsewhere classified.

3439 Heating and cooking equipment, n.e.c.
Gas kitchen ranges.
3441 Structural and ornamental products.
Specified commercial and industrial steel buildings, and structural steel towers.

5. *Food and kindred products*

2052 Biscuits, crackers and pretzels.
Biscuits and crackers.
2094 Corn products.
Syrups, starches and wet process by-products.
2027 Milk (fluid) and other products.
Milk, cream and other dairy products.

6. *Furniture and fixtures*

None.

7. *Instruments and related products*

3821 Measuring instruments, mechanical.
Mechanical assemblies for use in aircraft and missile instrumentation, and automatic temperature controls.
3831 Optical instruments and lenses.
Optic equipment.
3861 Photographic equipment.
Photographic equipment such as photocopying equipment and supplies, designing and manufacturing motion-picture processing equipment, aerial cameras and film magazines.
3811 Scientific instruments.
Missile instrumentation.

8. *Leather and leather products*

None.

9. *Lumber and products, except furniture*

None.

10. *Machinery, except electrical*

3593 Bearings, ball and roller.
Cylindrical roller bearings and precision miniature instrument ball bearings.
3542 Metalworking machinery, except machine tools.
Welding equipment, rolling mills, swagers, turks heads and draw benches.
3579 Office and store machines, n.e.c.
Dictation machines and systems.
3566 Power transmission equipment.
Right-angle bevel gear units for use in aircraft and missiles, magnespeed variable drives, and clutches.
3561 Pumps and compressors.
Portable, rotary air compressors.
3521 Tractors.
Wheeled and crawler tractors.

11. *Miscellaneous manufactures*

None.

12. *Ordnance and accessories*

1961 Ammunition (small arms—30 mm. and under).
1929 Ammunition, n.e.c.
Missile components using structural adhesives and laminating materials such as missile fuselage components, and missile machined components.
1911 Guns, howitzers, mortars and related equipment.
Artillery and parts over 30 mm. (or over 1.18 inch) for aircraft, anti-aircraft, coast, field, naval and tank, and gun carriages, mounts and parts for guns over 30 mm. (or over 1.18 inch).

13. *Paper and allied products*

2612 Paper and paperboard mills.
Fine writing and uncoated book papers.

14. *Petroleum and coal products*

Small Business Certificates for petroleum refining were superseded by establishing a new size standard for this industry.

15. *Primary metal industries*

3352 Aluminum, rolling and drawing.
Aluminum pipes and tubes.
3351 Copper, rolling and drawing.
Copper pipes and tubes.
3391 Forgings, iron and steel.
Rudder stock and tail shafts.
3399 Metal industries, primary, n.e.c.
Cold steel bars and bar shapes, and nonferrous forgings.
3312 Steel works and rolling mills.
Billets, hot-rolled steel bars, rounds, flats, angles, reinforcing bars, small size structurals, cold drawn seamless tubing and hot-finished pipe.
3392 Wire drawing.
Electric wires and cables.
3333 Zinc, primary.
Slab zinc.

16. *Printing and publishing industries*

None.

17. *Rubber products*

3021 Footwear, rubber.
Rubber-soled canvas footwear.
3099 Rubber industries, n.e.c.
Mechanical rubber products for aircraft.
3011 Tires and inner tubes.

18. *Stone, clay and glass products*

None.

19. *Textile mill products*

2233 Fabrics, cotton broad-woven.

20. *Tobacco manufactures*

None.

21. *Transportation equipment*

3721 Aircraft.
Helicopters.
3729 Aircraft equipment, n.e.c.
Specified aircraft equipment and assemblies.
3717 Motor vehicles and parts.
Motor buses, trucks and specialized ground support motor vehicles for aircraft and missile carriers, fuel injection systems, heavy-duty automotive clutches and parts such as piston pins, clutch plates and other engine parts.
3742 Railroad and street cars.
Trackless trolley cars.
3731 Ship building and repairing.
Includes military ships (battleships, cruisers, aircraft carriers, destroyers, submarines, escort vessels, transports), barges, tankers and submarine components.
3715 Trailers, truck.
Missile-handling trailers.

Small Business Certificates for the purpose of Government procurement also have been issued to include the following nonmanufacturing activities: 4513, air transportation; 7699, aircraft maintenance and overhaul; and 4241, household goods, warehousing and storage.

[F.R. Doc. 59-3624; Filed, Apr. 30, 1959; 8:45 a.m.]

Title 14—CIVIL AVIATION

Chapter II—Federal Aviation Agency

PART 409—PROCEDURES AND RULES FOR AIRSPACE ASSIGNMENT AND UTILIZATION

Section 307(a) of the Federal Aviation Act of 1958 empowers the Administrator of the Federal Aviation Agency to assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of the navigable airspace. It also provides the Administrator with authority to modify or revoke any such assignment when required in the public interest. Due to the specialized nature of the subject matter, the processing of rules, regulations, or orders issued pursuant to the authority in section 307(a) will be accomplished in accordance with the procedures set forth herein, except in cases of emergency or in those instances where it is impracticable, unnecessary, or contrary to the public interest to follow such procedures. In addition, it is the intention of the Agency to publish in this part any special rules, regulations, or orders relating to the assignment and utilization of the navigable airspace and pertinent policies and interpretations issued by the Agency in regard thereto.

In consideration of the foregoing and acting pursuant to section 313(a) of the Federal Aviation Act of 1958 and section 3 of the Administrative Procedure Act, I hereby repeal Part 409—"Procedures for Handling Proposals Involving the Utilization and Allocation of Airspace" of the Regulations of the Administrator of Civil Aeronautics, and do hereby adopt Part 409 of the Regulations of the Federal Aviation Agency, which reads as follows:

Subpart A—Introduction

Subpart B—Rules Applicable to Rule-Making Proceedings

Subpart C—Special Rules, Regulations, and Orders

Subpart D—Policies and Interpretations

AUTHORITY: §§ 409.1 to 409.31 issued under sec. 313(a) of the Federal Aviation Act of

1958, Act of August 23 1958, 72 Stat. 752 (P.L. 85-726). Interpret or apply Secs. 303(d), 307, 1001, and 1501(a), 72 Stat. 749, 750, 788, 809 (P.L. 85-726).

Subpart A—Introduction

§ 409.1 Definitions.

(a) "Act" means the Federal Aviation Act of 1958.

(b) "Administrator" means the Administrator of the Federal Aviation Agency.

(c) "Agency" means the Federal Aviation Agency.

(d) "Air Carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation.

(e) "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

(f) "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radiodirectional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and takeoff of aircraft.

(g) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(h) "Civil aircraft" means any aircraft other than a public aircraft.

(i) "Controlling agency" means the Federal Aviation Agency, or the agency, office, facility, or person to whom authority has been delegated to permit the use of "special use" airspace during those times in which such airspace is not being used for the purposes to which it was assigned.

(j) "Director" means the Director, Bureau of Air Traffic Management, or his authorized representative.

(k) "Federal airway" means a portion of the navigable airspace of the United States designated by the Administrator as a Federal airway.

(l) "Foreign air carrier" means any person, not a citizen of the United States, who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in foreign air transportation.

(m) "Landing area" means any locality, either on land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(n) "Navigable airspace" means airspace above the minimum altitude of flight prescribed by regulations issued under the Federal Aviation Act, and shall include airspace needed to insure safety in take-off and landing aircraft.

(o) "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the Federal Aviation Act.

(p) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, organization, military department, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(q) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any State, Territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(r) "Special use airspace" means navigable airspace assigned by the Administrator for such special purposes as he may deem required in the public interest.

(s) "United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

Subpart B—Rules Applicable to Rule-Making Proceedings

§ 409.11 Scope and effect of subpart.

(a) This subpart establishes the procedures to be followed in the initiation, administrative processing, issuance, and publication of rules, regulations, or orders issued pursuant to the authority contained in section 307(a) of the Federal Aviation Act of 1958. These procedures will be utilized except in cases of emergency, or in those instances when it is determined to be impracticable, unnecessary, or contrary to the public interest to follow such procedures.

(b) Rules, regulations, or orders processed under these procedures shall include, but not be limited to:

(1) Designations of Federal airways, control zones, control areas, control area extensions, terminal control areas, high density air traffic zones, positive control route segments, and coded jet routes;

(2) Assignments of segments or portions of the navigable airspace for special use purposes, such as: restricted areas, military climb corridors, and experimental flight test areas;

(3) Special rules, regulations, and orders relating to the use or assignment of the navigable airspace.

§ 409.12 Filing of proposals.

(a) All proposals, except those arising within the Agency, requesting the designation of Federal airways and other areas for normal air traffic use, or the assignment of navigable airspace for special use purposes, or the issuance of any special rules, regulations, or orders relating to the use of such airspace must be filed in writing, in triplicate. Proposals may be filed with any Regional Administrator or with the Director. The procedures set forth herein may be initiated in regard to proposals arising within the Agency by the Director, upon his own motion.

(b) Proposals requesting assignment of the navigable airspace for special use purposes or for the designation of areas for air traffic purposes must include at least the following:

(1) The location and description of the airspace desired for assignment or designation.

(2) A full and complete description of the activities or use to be made of the requested airspace. This must include a detailed description of the type, volume, duration, time, and place of the operations to be conducted in the assigned or designated area.

(3) Description of the air navigation, air traffic control, surveillance, and communication facilities available and to be provided in the event the assignment or designation is made.

(4) The proposed controlling agency for any assigned area and the location of such agency.

(c) Notice of any rejected proposal will be issued by the Director, with the concurrence of the General Counsel of the Agency as to form and legality.

§ 409.13 Issuance of notice of proposed rule-making.

(a) If it is determined that the subject matter of a proposal should be submitted to the rule-making process, or in the event rule-making action is to be taken on his own motion, the Director, with the concurrence of the General Counsel of the Agency as to form and legality, will issue a notice of proposed rule-making.

(b) Normally a notice of proposed rule-making will be issued within approximately 30 days after receipt of a proposal in regard to which it has been determined that action might be taken.

(c) All notices of proposed rule-making will be published in the FEDERAL REGISTER.

(d) A notice of proposed rule-making will include at least the following:

(1) A statement of the time, place, and nature of the public rule-making proceedings.

(2) A reference to the authority under which the rule, regulation, or order is proposed.

(3) Either the terms or substance of the proposed action or description of the subjects and issues involved.

(e) Approximately 30 days will be allowed for the submission of written data, comments, views, or arguments.

(f) In the event that a public hearing is to be held, approximately 30 days' notice will be given either in the original notice of proposed rule-making or in a revised notice. The Director may grant or deny requests to extend the time specified in the notice for the submission of written material or may change the date of any hearings previously noticed.

(g) All written data, comments, views, or arguments submitted in response to a notice of proposed rule-making, or as may be requested thereafter, shall be filed in triplicate.

(h) Opportunity will be afforded to any interested person to discuss or confer informally with proper Agency repre-

sentatives concerning the proposed action. However, any views, comments or statements presented during such conferences must also be submitted in writing in accordance with the notice of proposed rule-making in order to become a part of the formal record for consideration.

§ 409.14 Hearings.

(a) The Federal Aviation Act of 1958 does not require that formal hearings be held in the formulation of rules, regulations, or orders for issuance under the authority of section 307(a) of the Act. Accordingly, sections 7 and 8 of the Administrative Procedure Act are not applicable to these proceedings. Hearings will not be held in all cases; however, in the event that a hearing is held, it will be conducted on an informal basis and in accordance with the procedures established herein. Any rules, regulations, or orders issued in cases wherein hearings have been held will not be based exclusively on the records of such hearings.

(b) An informal public hearing will be held when in the discretion of the Director such a proceeding is necessary to assure informed administrative action and adequate protection of private or public interests.

(c) A presiding officer will be designated by the Director. A legal adviser will be designated by the General Counsel.

(d) Usually hearings conducted under this subpart will be held in the locale of the affected airspace. Time will be allotted to interested persons to make oral presentations without interruption, and a verbatim transcript by a certified court reporter will be made of the entire proceedings. The procedure to be followed in such hearings will be as follows:

(1) An opening statement will be given by the presiding officer with particular reference to the notice of proposed rule-making and its contents.

(2) The presiding officer shall designate interested persons or their authorized representatives to speak at the hearing. Sufficient time will be allotted by the presiding officer to all interested persons on an equal basis in order that their positions may be expressed fully and placed on the record. Those persons who are proponents of the action, or who favor it, will be permitted to speak first, followed by those persons who are opposed. Initial statements will be permitted to be made with a minimum of interruption. After initial statements have been made by all the designated persons, questions will be permitted.

(3) Arguments and oral statements must be limited to the subject matter stated in the notice of proposed rule-making.

(4) Written comments, data, arguments, or briefs may be offered as part of the record at the hearing. Such documents will not be accepted after the close of the hearing, unless good cause is shown, or unless the submission has been requested by the designated presiding officer or by the Director.

(5) The presiding officer is authorized to deviate from these hearing procedures in order to assure a more informative and complete record.

§ 409.15 Adoption of rules, regulations, or orders.

(a) After the closing date for the submission of written comments, or in the event a hearing is held, after the close of the hearing, the entire matter will be studied and analysed by the Airspace Utilization Division, Bureau of Air Traffic Management, Washington, D.C. Thereafter a rule, regulation, order, or notice of denial will be recommended to the Director, which, after approval by the Director and concurrence by the General Counsel as to form and legality, will be forwarded to the Administrator for adoption.

(b) All the rules, regulations, or orders issued by the Administrator under this part will be published in the FEDERAL REGISTER and in such other publications as may be deemed desirable by the Director. Notices of denial will be forwarded to the person making the proposal and to such other interested persons as determined by the Director.

(c) Except in cases of emergency or when impracticable, unnecessary, or contrary to the public interest, all rules, regulations, or orders issued by the Administrator under this part will become effective in not less than 30 days after publication.

§ 409.16 Exemptions.

(a) Petitions for exemption from the requirements of any rule, regulation, or order issued pursuant to section 307(a) may be filed with the Director. Such petitions must be filed in triplicate and clearly state the nature of the requested exemption, as well as the reasons why the exemption should be granted. The Director, with the concurrence of the General Counsel as to form and legality, may grant or deny such petitions and shall so notify the petitioner.

§ 409.17 Petitions for rehearing or reconsideration of rules, regulations, or orders.

(a) Any interested person may petition the Administrator for a rehearing or for reconsideration of any rule, regulation, or order issued pursuant to section 307(a). Such petitions must be filed in triplicate within 30 days after publication of the rule, regulation, or order in the FEDERAL REGISTER. The petition shall contain a brief statement of the matters complained of and an explanation as to how the rule, regulation, or order is contrary to the public interest. If the petition requests consideration of additional facts, the nature and purpose of the new facts and the reason why such facts were not presented at the time of the hearing or in written form within the allotted time must be stated. Repetitious petitions will not be entertained by the Administrator. The filing of a petition under this section shall not operate to stay the effectiveness of the Agency's rule, regulation, or order, unless otherwise ordered by the Administrator.

§ 409.18 Petitions for revocation or modification of existing rules, regulations, or orders.

(a) Any interested person may petition for the revocation or modification of existing rules, regulations, or orders relating to airspace assignments issued under section 307(a) of the Federal Aviation Act, or previously issued by the Administrator of Civil Aeronautics or the Civil Aeronautics Board. Such petitions shall be filed in triplicate with the Director and shall clearly set forth all the facts, views, and data deemed necessary to support the action requested, and shall indicate clearly the effect the proposed action will have on the use of the navigable airspace. Such petitions will be processed in the same manner as proposals, or in such other manner as deemed necessary or desirable by the Director.

§ 409.19 Docket.

(a) The official Agency records consisting of proposals, notices of proposed rule-making, written material received in response to notices, petitions for rehearing or reconsideration, petitions for modification or revocation, notices granting or denying exemptions, notices denying proposals, and all rules, regulations, or orders issued pursuant to section 307(a) will be maintained in docket form in the Office of the General Counsel and, unless ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958, will be made available for examination by interested persons at that office. Photostatic or duplicate copies of such records may be obtained upon payment of the costs of such copies.

This action shall become effective on May 15, 1959.

Issued in Washington, D.C., on April 24, 1959.

[SEAL] E. R. QUESADA,
Administrator.

[F.R. Doc. 59-3698; Filed, Apr. 30, 1958; 8:49 a.m.]

[Amdt. 45]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

Section 610.16 *Green civil airway 6* is amended to delete:

From Mobile, Ala., LF/RBN; to Maxwell AFB, Ala.; MEA 1,500.

From Maxwell AFB, Ala.; to Int. E crs Maxwell and SW crs Atlanta; MEA 1,600.

From Int. E crs. Maxwell and SW crs Atlanta; to Atlanta, Ga., LFR; MEA 2,000.

From Atlanta, Ga., LFR; to Anderson, S.C., LF/RBN; MEA 2,700.
From Anderson, S.C., LF/RBN; to Spartanburg, S.C., LFR; MEA 2,200.
From Spartanburg, S.C., LFR; to Mooresville INT, N.C.; MEA 2,800.
From Mooresville INT, N.C.; to Greensboro, N.C., LFR; MEA 2,400.

Section 610.220 *Red civil airway 20* is amended to read in part:

From Akron, Ohio, LFR; to Columbiana INT, Ohio; MEA 2,600.

Section 610.610 *Blue civil airway 10* is amended to delete:

From Oakland, Calif., LFR; to Richmond INT, Calif.; MEA 3,000.
From Richmond INT, Calif.; to Williams, Calif., LFR; MEA 5,000.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Amarillo, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,600.
From Arcata, Calif., LFR; to Fort Jones INT, Calif.; MEA 6,000.
From Blythe, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Boise, Idaho, VOR; to Int. Rome, Oreg., VOR; 048° T and Twin Falls, Idaho, VOR 295° T rads.; northeast, MEA 8,000; southwest, MEA 10,000.
From Boise, Idaho, VOR; to Int. Boise, Idaho, VOR; 210° T and Twin Falls, Idaho, VOR 295° T rads.; northeast, MEA 8,000; southwest, MEA 11,000.
From Clint, Tex., LF/RBN; to Columbus, N. Mex., LFR; MEA 8,500.
From Clovis AFB, N. Mex., LF/RBN; to Pleasant Hill INT, N. Mex.; MEA 7,000.
From Clovis AFB, N. Mex., LF/RBN; to *Farwell INT, Tex.; MEA 5,500. *10,000—MRA.
From Colorado Springs, Colo., LF/RBN; to Goodland, Kans., VOR; MEA 9,000.
From Crescent City, Calif., VOR; to Silver Peak INT, Calif.; MEA 7,000.
From Farwell INT, N. Mex. VOR; to Lubbock, Tex., LFR; MEA 6,500.
From Fortuna, Calif., VOR; to Fort Jones INT, Calif.; MEA 6,000.
From Fort Jones, Calif., LFR; to Montague, Calif. LF/RBN; MEA 9.000.
From Fort Jones, Calif., LFR; to *Fort Jones INT, Calif., MEA 11,000. *8,000—MCA Fort Jones INT, eastbound.
From Gila Bend, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 6,500.
From Gila Bend, Ariz., LFR; to Blythe, Calif., LFR; MEA 7,000.
From Gila Bend, Ariz., VOR; to Blythe, Calif., VOR; MEA 7,000.
From Hassayampa, Ariz., VOR; to Needles, Calif., LFR; MEA 8,000.
From Hassayampa, Ariz., VOR; to Needles, Calif., VOR; MEA 8,000.
From Hobbs, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 4,800.
From Int Seattle, Wash., VOR 247 T rad. and Olympia, Wash., VOR 013 T rad.; to Int Olympia, Wash., VOR 013 T rad. and NW crs Seattle, Wash., LFR; MEA 5,000.
From Julian, Calif., LF/RBN; to Vail Lake, Calif., LF/RBN; MEA 12,000.
From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.
From Lovelock, Nev., VOR; to Rome, Oreg., VOR; MEA 12,000.
From Lovelock, Nev., VOR; to Jungo INT, Nev.; MEA 10,500.
From Lubbock, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,600.
From Lubbock, Tex., LFR; to Tucumcari, N. Mex., LFR; MEA 6,000.
From Medford, Oreg., LFR; to Silver Peak INT, Oreg.; MEA 7,000.
From Newark, Calif., LF/RBN; to Altmont INT, Calif., southwestbound only; MEA 5,000.
From Newark, Calif., LF/RBN; to Baypoint, Calif., FM, southbound only; MEA 6,000.
From Newberg, Oreg., VOR; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 196° T rads.; MEA 3,000.
From Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 196 T rads.; to Int. Newberg, Oreg., VOR 069° T rad. and SE crs Portland, Oreg., ILS localizer; MEA 3,700.
From Int. Newberg, Oreg., VOR 069° T rad. and SE crs Portland, Oreg., ILS loc.; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 130 T rads.; MEA 7,600.
From Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 130° T rads.; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 095° T rads.; MEA 8,500.
From Oakland, Calif., VOR; to Williams, Calif., VOR; MEA 5,000.
From Olympia, Wash., VOR; to Seattle, Wash., VOR; MEA 3,000.
From Orange Cove INT, Calif.; to Fresno, Calif., VOR, westbound only; MEA 4,000.
From Phoenix, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 12,000.
From Pueblo, Colo., LFR; to Haystack INT, Colo.; MEA 8,000.
From Pueblo, Colo., LFR; to Mustang INT, Colo.; MEA 7,500.
From Pueblo, Colo., VOR; to Goodland, Kans., VOR; MEA 7,000.
From Red Bluff, Calif., VOR; to Fortuna, Calif., VOR; MEA 8,500.
From Riverside, Calif., LFR; to Vail Lake, Calif., LF/RBN; MEA 12,000.
From Rome, Oreg., VOR; to Int. Rome, Oreg., VOR 048° T and Twin Falls, Idaho, VOR 295° T rads.; MEA 10,000.
From Rome, Oreg., VOR; to Sod House, Nev., VOR; MEA 11,000.
From San Francisco, Calif., LFR; to Fremont, Calif., LF/RBN; MEA 4,000.
From San Francisco, Calif., LFR; to Half Moon Bay INT, Calif.; MEA 4,000.
From School INT, N. Mex.; to Clovis, N. Mex., LF/RBN; northwestbound, MEA 8,000; southeastbound, MEA 7,000.
From Sod House, Nev., VOR; to Jungo INT, Nev.; MEA 10,500.
From Sod House, Nev., VOR; to Int. Boise, Idaho, VOR 210° T and Twin Falls, Idaho, VOR 295° T rads.; MEA 11,000.
From Tucumcari, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 6,000.
From Yosemite INT, Calif.; to Modesto, Calif., VOR, westbound only; MEA 8,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Chadron, Nebr., VOR; to Douglas, Wyo., VOR (via 271 Chadron—068 Douglas); MEA 8,000.
From O'Neill, Nebr., VOR; to Grand Island, Nebr., VOR (via Wolback, Nebr., VOR); MEA 4,500.
From O'Neill, Nebr., VOR; to Grand Island, Nebr., LFR (via Wolback, Nebr., VOR); MEA 4,500.
From Farmington, N. Mex., VOR; to Grants, N. Mex., VOR; MEA 11,000.

Section 610.6001 *VOR civil airway 1* is amended to read in part:

From La Grange INT, N.C.; to Cofield, N.C., VOR; MEA *5,000. *1,400—MOCA.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Dayton, Ohio, VOR via N alter.; to Grindell INT, Ohio, via N alter.; MEA *3,000. *2,500—MOCA.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Fort Smith, Ark., VOR; to *Chester INT, Ark.; MEA 3,500. *4,200—MRA.
From Chester INT, Ark.; to Fayetteville, Ark., VOR; MEA 3,500.
From Lydia INT, Minn., via W alter.; to Prior INT, Minn., via W alter.; MEA 2,300.
From Prior INT, Minn., via W alter.; to Minneapolis, Minn., VOR via W alter.; MEA 2,500.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From *Adair INT, Okla.; to **Grand Lake INT, Okla.; MEA ***2,200. *2,600—MRA. **3,000—MRA. ***2,000—MOCA.
From Grand Lake INT, Okla.; to Neosho, Mo., VOR; MEA *2,200. *2,000—MOCA.
From Tulsa, Okla., VOR via S alter.; to *Tiff City INT, Okla., via S alter.; MEA 2,000. *2,500—MRA.
From Tiff City INT, Okla., via S alter.; to Neosho, Mo., VOR, via S alter.; MEA 2,000.
From Vinita INT, Okla., via N alter.; to *Wyandotte INT, Okla., via N alter.; MEA **2,600. *3,200—MRA. **2,200—MOCA.
From Wyandotte INT, Okla., via N alter.; to Neosho, Mo., VOR via N alter.; MEA *2,600. *2,200—MOCA.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Pryor INT, Okla.; to *Tiff City INT, Okla.; MEA 2,000. *2,500—MRA.
From Tiff City INT, Okla.; to Neosho, Mo., VOR; MEA 2,000.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Monroe, La., VOR; to *Dunn INT, La.; MEA **2,200. *3,500—MRA. **1,700—MOCA.
From Dunn INT, La.; to *Redwood INT, Miss.; MEA **2,200. *3,600—MRA. **1,700—MOCA.
From Redwood INT, Miss.; to Jackson, Miss., VOR; MEA *2,200. *1,700—MOCA.
From Monroe, La., VOR via S alter.; to *Cedars INT, Miss., via S alter.; MEA **2,600. *3,700—MRA. **1,700—MOCA.
From Cedars INT, Miss., via S alter.; to *Edwards INT, Miss., via S alter.; MEA **2,600. *3,000—MRA. **1,700—MOCA.
From Edwards INT, Miss., via S alter.; to Jackson, Miss., VOR via S alter.; MEA *2,600. *1,700—MOCA.

Section 610.6025 *VOR civil airway 25* is amended to read in part:

From *Geyserville INT, Calif.; to Lakeport INT, Calif.; MEA **12,000. *12,000—MCA Geyserville INT, northbound. **7,000—MOCA.
From Lakeport INT, Calif.; to *Red Bluff, Calif., VOR; northbound, MEA 9,000. Southbound, MEA 12,000. *5,000—MCA Red Bluff VOR, southbound.

Section 610.6042 *VOR civil airway 42* is amended to read in part:

From Flint, Mich., VOR; to Auburn INT, Mich.; MEA 2,400.
From Auburn INT, Mich.; to Windsor, Ont., Canada; VOR; MEA #2,700. #For that airspace over U.S. territory.

Section 610.6050 *VOR civil airway 50* is amended to read in part:

From *Cowan INT, Ohio, via N alter.; to Dayton, Ohio, VOR, via N alter.; MEA **3,000. *3,000—MRA. **2,500—MOCA.

Section 610.6072 *VOR civil airway 72* is amended by adding:

From Fayetteville, Ark., VOR; to Maples, Mo., VOR; MEA *5,500. *2,700—MOCA.
From Maples, Mo., VOR; to Troy, Ill., VOR; MEA *3,500. *2,600—MOCA.

Section 610.6087 *VOR civil airway 87* is amended to delete:

From Napa, Calif., VOR; to Williams, Calif., VOR; MEA 5,000.

Section 610.6087 *VOR civil airway 87* is amended by adding:

From Napa, Calif., VOR; to Maxwell, Calif., VOR; MEA 5,000.
From Maxwell, Calif., VOR; to Red Bluff, Calif., VOR; MEA 3,000.

Section 610.6094 *VOR civil airway 94* is amended to read in part:

From Waxahachie INT, Tex.; to Scurry INT, Tex.; MEA 1,900.
From Scurry INT, Tex.; to Canton INT, Tex.; MEA *4,000. *1,800—MOCA.
From Canton INT, Tex.; to Mount Sylvan INT, Tex.; MEA *2,500. *1,800—MOCA.

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From Tucson, Ariz., VOR; to *Keystone INT, Ariz.; MEA 7,000. *8,000—MRA.
From Keystone INT, Ariz.; to Casa Grande, Ariz., VOR; MEA 7,000.
From Phoenix, Ariz., VOR; to Cave Creek INT, Ariz.; northbound, MEA 6,000; southbound, MEA 5,000.
From *Cave Creek INT, Ariz.; to Rock Springs INT, Ariz.; northbound, MEA 10,000; southbound, MEA 8,500. *7,500—MCA Cave Creek INT, northbound.
From Yerington INT, Nev.; to Churchill INT, Nev.; northwestbound, MEA 10,000; southeastbound, MEA 12,000.
From Churchill INT, Nev.; to Reno, Nev., VOR; MEA 10,000.

Section 610.6112 *VOR civil airway 112* is amended to read in part:

From *Portland, Oreg., VOR via N alter.; to Amboy INT, Oreg., via N alter; eastbound, MEA 8,000; westbound, MEA 4,000. *4,700—MCA Portland VOR, eastbound.
From Amboy INT, Oreg., via N alter.; to The Dalles, Oreg., VOR via N alter.; MEA *8,000. *7,000—MOCA.

Section 610.6119 *VOR civil airway 119* is amended to read in part:

From Wheeling, W. Va., VOR; to Imperial, Pa., VOR; MEA 2,700.
From Imperial, Pa., VOR; to Clarion, Pa., VOR; MEA 3,000.

Section 610.6133 *VOR civil airway 133* is amended to read in part:

From Linden INT, Mich.; to Flint, Mich., VOR; MEA 2,200.
From Flint, Mich., VOR; to Saginaw, Mich., VOR; MEA 2,200.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Fayetteville, Ark., VOR; to *Spring Valley INT, Ark.; MEA 3,100. *5,500—MRA.
From Spring Valley INT, Ark.; to Flippin, Ark., VOR; MEA 3,100.

Section 610.6153 *VOR civil airway 153* is amended to read in part:

From *Sidney INT, N.Y.; to Georgetown INT, N.Y.; MEA **4,500. *4,500—MRA. **3,500—MOCA.
From Georgetown INT, N.Y.; to *Faubus INT, N.Y.; MEA 3,500. *4,000—MRA.
From Faubus INT, N.Y.; to Syracuse, N.Y., VOR; MEA 3,500.

Section 610.6172 *VOR civil airway 172* is amended to read in part:

From Malta INT, Ill.; to Chicago (O'Hare), Ill., VOR; MEA 2,500.
From Chicago (O'Hare), Ill., VOR; to Morton INT, Ill.; MEA 2,000.

Section 610.6190 *VOR civil airway 190* is amended to read in part:

From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA 2,500.
From Maples, Mo., VOR; to Farmington, Mo., VOR; MEA 2,800.

Section 610.6191 *VOR civil airway 191* is amended to read in part:

From Chicago (O'Hare), Ill., VOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

Section 610.6194 *VOR civil airway 194* is amended to read in part:

From McComb, Miss., VOR; to *Mize INT, Miss.; MEA 1,800. *2,200—MRA.
From Mize INT, Miss.; to *Rose Hill INT, Miss.; MEA 1,800. *3,000—MRA.

Section 610.6195 *VOR civil airway 195* is amended to read in part:

From Oakland, Calif., VOR; to Williams, Calif., VOR; MEA 5,000.
From Williams, Calif., VOR; to *Red Bluff, Calif., VOR; MEA 4,000. *5,000—MCA Red Bluff VOR, westbound.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From Hunt INT, Tex.; to *Comfort INT, Tex.; MEA **5,700. *5,700—MRA. **3,400—MOCA.

Section 610.6200 *VOR civil airway 200* is amended to read in part:

From *Yuba INT, Calif.; to **Reno, Nev., VOR; MEA 12,000. *6,500—MCA Yuba INT, eastbound. **10,000—MCA Reno VOR, westbound.
From Delta, Utah, VOR; to *Vernon INT, Utah; MEA 11,000. *12,000—MCA Vernon INT, northbound.
From Vernon INT, Utah; to *Fairfield INT, Utah; MEA 11,000. *12,000—MRA.
From Fairfield INT, Utah; to *Provo, Utah, VOR; MEA 11,000. *12,000—MCA Provo VOR, eastbound.

Section 610.6210 *VOR civil airway 210* is amended to read in part:

From *Cowan INT, Ohio; to Dawn INT, Ohio; MEA **3,500. *3,000—MRA. **2,400—MOCA.

Section 610.6217 *VOR civil airway 217* is amended to read in part:

From Chicago (O'Hare) Ill., VOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

Section 610.6218 *VOR civil airway 218* is amended to read in part:

From Lansing, Mich., VOR; to Flint, Mich., VOR; MEA 2,400.

Section 610.6244 *VOR civil airway 244* is amended to read in part:

From Pioche, Nev., VOR; to *Milford, Utah, VOR; MEA 12,000. *10,000—MCA Milford VOR, westbound. *12,000—MCA Milford VOR, eastbound.
From Milford, Utah, VOR; to Delano INT, Utah; MEA 14,000.
From *Delano INT, Utah, to **Hanksville, Utah, VOR; MEA ***18,000. *17,000—MCA Delano INT, eastbound. **11,000—MCA Hanksville VOR, westbound. ***15,000—MOCA.

Section 610.6257 *VOR civil airway 257* is amended to read in part:

From Bryce Canyon, Utah, VOR; to Kanosh INT, Utah; MEA 14,500.
From Kanosh INT, Utah; to Denta, Utah, VOR; northbound, MEA 10,000; southbound, MEA 12,000.

Section 610.6273 *VOR civil airway 273* is amended to read in part:

From *Sidney INT, N.Y.; to Georgetown INT, N.Y.; MEA **4,500. *4,500—MRA. **3,500—MOCA.
From Georgetown INT, N.Y.; to *Faubus, INT, N.Y.; MEA 3,500. *4,000—MRA.
From Faubus INT, N.Y.; to Syracuse, N.Y., VOR; MEA 3,500.

Section 610.6276 *VOR civil airway 276* is amended to read in part:

From Ellwood City, Pa., VOR; to Northpoint INT, Pa.; MEA 3,000.
From Northpoint INT, Pa.; to Tyrone, Pa., VOR; MEA 4,000.

Section 610.6428 *VOR civil airway 428* is amended to read in part:

From Ithaca, N.Y., VOR; to Cortland INT, N.Y.; MEA 3,500.
From Cortland INT, N.Y.; to *Faubus INT, N.Y.; MEA **4,000. *4,000—MRA. **3,500—MOCA.
From Faubus INT, N.Y.; to Munnsville INT, N.Y.; MEA *6,000. *3,500—MOCA.

Section 610.6608 *VOR civil airway 1508* is amended to read in part:

From *Milford, Utah, VOR; to Kanosh INT, Utah; MEA 12,000. *11,000—MCA Milford VOR, northeastbound.
From Kanosh INT, Utah; to Myton, Utah, VOR; MEA *15,000. *Continuous navigation signal coverage does not exist over the entire route segment below 21,000.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Pioche, Nev., VOR; to *Milford, Utah, VOR; MEA 12,000. *10,000—MCA Milford VOR, westbound. *12,000—MCA Milford VOR, eastbound.
From Milford, Utah, VOR; to Delano INT, Utah; MEA 14,000.
From *Delano INT, Utah; to **Hanksville; MEA ***18,000. *17,000—MCA Delano INT, eastbound. **11,000—MCA Hanksville VOR, westbound. ***15,000—MOCA.

Section 610.6616 *VOR civil airway 1516* is amended to read in part:

From Tobe, Colo., VOR; to State Line INT, Kans.; MEA 7,300.
From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA 2,500.
From Maples, Mo., VOR; to Farmington, Mo., VOR; MEA 2,800.

Section 610.6618 *VOR civil airway 1518* is amended to read in part:

From Fayetteville, Ark., to *Spring Valley INT, Ark.; MEA 3,100. *5,500—MRA.
From Spring Valley INT, Ark; to Flippin, Ark., VOR; MEA 3,100.

Section 610.6629 *VOR civil airway 1529* is amended to read in part:

From *Milford, Utah, VOR; to Kanosh INT, Utah; MEA 12,000. *11,000—MCA Milford VOR, northeastbound.
From Kanosh INT, Utah; to Myton, Utah, VOR; MEA *15,000. *Continuous navigation signal coverage does not exist over the entire route segment below 21,000.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply section 307, 72 Stat. 749; 49 U.S.C. 1348)

These rules shall become effective June 4, 1959.

Issued in Washington, D.C., on April 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-3633; Filed, Apr. 30, 1959; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ADMINISTRATIVE PROVISIONS COMMON TO VARIOUS TAXES

[T.D. 6375]

PART 458—INSPECTION OF RETURNS

Inspection by Securities and Exchange Commission of statistical transcript cards prepared from corporation income tax returns

§ 458.325 Inspection by Securities and Exchange Commission of statistical transcript cards prepared from corporation income tax returns.

(a) Pursuant to the provisions of section 55(a) of the Internal Revenue Code of 1939 (53 Stat. 29; 54 Stat. 1008; 55 Stat. 722; 26 U. S. C. 55(a)) and of the Executive order issued thereunder,[1] and in the interest of the internal management of the Government, statistical transcript cards prepared by the Internal Revenue Service from income tax returns of corporations made under the Internal Revenue Code of 1939 for taxable years ending after December 31, 1952, shall be open to inspection by the Securities and Exchange Commission as may be needed in gathering statistical information in carrying out its functions under the Securities Exchange Act of 1934, approved June 6, 1934 (48 Stat. 881; 15 U.S.C. 78a–78jj), as amended, or in complying with directives or recommendations of the Bureau of the Budget pursuant to section 103 of the Budget and Accounting Procedures Act of 1950, approved September 12, 1950 (64 Stat. 834; 31 U.S.C. 18b), relating to the development of programs for preparing statistical information by Executive agencies. Upon request, such inspection may be made by any officer or employee of the Securities and Exchange Commission duly authorized by the Chairman of the Commission to make it. Upon written notice by the Chairman of the Securities and Exchange Commission to the Secretary of the Treasury, stating the type of statistical transcript cards of which inspection is desired, the Secretary, or any officer or employee of the Treasury Department with the approval of the Secretary, may furnish the Securities and Exchange Commission with any data on such cards or may make them available for inspection and the taking of such data as the Chairman of the Securities and Exchange Commission may designate. Such data shall be furnished, or such cards shall be made available for inspection, in the Office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except to the extent that it shall be published or disclosed in statistical form, provided such publication shall not disclose, directly or indirectly, the name or address of any taxpayer.

[1] See Title 3, Executive Order 10814, *supra*.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 29, as amended; 26 U.S.C. 55)

ROBERT B. ANDERSON,
Secretary of the Treasury.

Approved: April 29, 1959.

DWIGHT D. EISENHOWER,
The White House.

[F.R. Doc. 59-3751; Filed, Apr. 29, 1959; 4:57 p.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6374]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of transcript cards and corporate and individual income tax returns by the Securities and Exchange Commission

§ 301.6103(a)–102 Inspection by Securities and Exchange Commission of transcript cards and corporate and individual income tax returns.

(a) Pursuant to the provisions of section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)) and of the Executive order issued thereunder,[1] and in the interest of internal management of the Government, corporate and individual income tax returns made for taxable years ending after December 31, 1956, and statistical transcript cards prepared by the Internal Revenue Service from income tax returns of corporations made for taxable years beginning after December 31, 1953, and ending after August 16, 1954, shall be open to inspection by the Securities and Exchange Commission as may be needed in gathering statistical information in carrying out its functions under the Securities Exchange Act of 1934, approved June 6, 1934 (48 Stat. 881; 15 U.S.C. 78a–78jj), as amended, or in complying with directives or recommendations of the Bureau of the Budget pursuant to section 103 of the Budget and Accounting Procedures Act of 1950, approved September 12, 1950 (64 Stat. 834; 31 U.S.C. 18b), relating to the development of programs for preparing statistical information by Executive agencies. Upon request, such inspection may be made by any officer or employee of the Securities and Exchange Commission duly authorized by the Chairman of such Commission to make it. Upon written notice by the Chairman of the Securities and Exchange Commission to the Secretary of the Treasury, stating the type of statistical transcript cards or income tax returns of which inspection is desired, the Secretary, or any officer or employee of the Treasury Department with the approval of the Secretary, may furnish the Securities and Exchange Commission with any data on such cards or returns or may make them available for inspection and the taking of such data as the Chairman of the Securities and Exchange Commission may designate. Such data shall be furnished, or such returns or cards shall be made available for inspection, in the Office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except to the extent that it shall be published or disclosed in statistical form, provided such publication shall not disclose, directly or indirectly, the name or address of any taxpayer.

[1] See Title 3, Executive Order 10814, *supra*.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805)

ROBERT B. ANDERSON,
Secretary of the Treasury.

Approved: April 29, 1959.

DWIGHT D. EISENHOWER,
The White House.

[F.R. Doc. 59-3750; Filed, Apr. 29, 1959; 4:57 p.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary by Administrative Order No. 517 (24 F.R. 1534), as amended by Administrative Order No. 518 (24 F.R. 2311), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committee No. 44–A the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the Fabric and Leather Glove Industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending 29 CFR, Part 603, effective May 17, 1959, to read as follows:

Sec.
603.1 Definition.
603.2 Wage rates.
603.3 Notices.

AUTHORITY: §§ 603.1 to 603.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062; as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 603.1 Definition.

The Fabric and Leather Glove Industry in Puerto Rico is defined as the manufacture of dress, semidress, and work gloves and mittens from woven or knit fabric, leather, or fabric or leather in combination with any other material: *Provided, however,* That the industry shall not include the manufacture of knit or crocheted gloves and mittens, sport and athletic gloves and mittens, or rubber gloves and mittens.

§ 603.2 Wage rates.

(a) Wages at a rate of not less than 25 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-sewing on fabric gloves classification of the fabric and leather glove industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the operations of hand-sewing, hand-embroidery, hand-embellishing, ornamental stitching, hand-drawing of threads, and similar hand operations involving decorative effects on fabric gloves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on fabric gloves which are wholly or chiefly machine-sewn, shall not be included. Fabric gloves are defined as gloves or mittens manufactured from woven or knitted fabric.

(b) Wages at a rate of not less than 37 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hand-sewing on leather gloves classification of the fabric and leather glove industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the operations of hand-sewing, hand-embroidery, hand-embellishing, ornamental stitching, hand-drawing of threads, and similar hand operations involving decorative effects on leather gloves: *Provided, however,* That mending, repairing, sewing of labels, tacking, and similar operations on leather gloves which are wholly or chiefly machine-sewn, shall not be included. Leather gloves are defined as gloves or mittens manufactured from leather or from leather in combination with other material.

(c) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the other operations on hand-sewn gloves classification of the fabric and leather glove industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all operations on hand-sewn gloves except operations included in the hand-sewing on fabric gloves classification and the hand-sewing on leather gloves classification, as defined in this section. Hand-sewn gloves are defined as gloves or mittens manufactured primarily by a hand-sewing process.

(d) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the machine operations on machine-sewn gloves classification of the fabric and leather glove industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as machine-sewing and other operations performed by machine, cutting, laying-off, pressing, sizing, banding, and packaging of machine-sewn gloves. Machine-sewn gloves are defined as gloves or mittens manufactured primarily by a machine-sewing process.

(e) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the other operations on machine-sewn gloves classification of the fabric and leather glove industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all operations on machine-sewn gloves except operations included in the hand-sewing on fabric gloves classification, the hand-sewing on leather gloves classification, and the machine operations on machine-sewn gloves classification, as defined in this section. Machine-sewn gloves are defined as gloves or mittens manufactured primarily by a machine-sewing process.

§ 603.3 Notices.

Every employer subject to the provisions of § 603.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 603.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 27th day of April 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-3679; Filed, Apr. 30, 1959; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Claims Arising Outside the United States

MISCELLANEOUS REVISIONS

1. Section 836.64(b) is revised to read as follows:

§ 836.64 Claims not payable.

* * * * *

(b) Falls under any workmen's compensation law or regulation, whether Federal Employees' Compensation Act of September 1916 (39 Stat. 742), as amended (5 U.S.C. 751, et seq.); Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424), as amended (33 U.S.C. 901, et seq.); local law or custom; or when compensation or similar benefits are provided by insurance (§§ 836.161 to 836.165) or United States contract, where the costs or premiums are indirectly paid by the United States, unless settlement is specifically authorized by The Judge Advocate General, or his designee, in each case;

2. Sections 836.67 (a) and (b) are revised to read as follows:

§ 836.67 Conditions of payment.

(a) The statutory test provided is that the damage, loss, injury, or death must have been caused by military personnel or civilian employees of the Air Force, or otherwise incident to its noncombat activities. Acts or omissions that create a condition without which the accident or incident could not have occurred but are not its proximate cause will not constitute a proper basis for payment, even though they violate the law of the situs or military regulation. A claim may be approved under §§ 836.61 to 836.78 when the act or omission (except those involving authorized noncombat activities, as defined in § 836.62(e), was caused by;

* * * * *

(b) The law or custom of the situs pertaining to contributory or comparative negligence, and to joint tort-feasors, will be applied so far as practicable to determine proximate cause.

3. The first sentence of § 836.75 is deleted and the following substituted therefor:

§ 836.75 What action commissions take.

A Foreign Claims Commission will prepare a seven-paragraph memorandum opinion and execute AF Form 959, "Action of Foreign Claims Commission." On small claims, an AF Form 958, "Short Report of Claims Officer," may be used instead of the memorandum opinion (see §§ 836.1 to 836.6).

4. Section 836.77 is deleted and the following substituted therefor:

§ 836.77 Cross servicing claims.

Any claim cognizable under 10 U.S.C. 2733 or 2734, whether arising from activities of the Army, Navy, Air Force, Marine Corps, or Coast Guard (when operating as a service in the Navy) may, upon request by the service concerned, be processed or settled by a commission appointed by the Secretary of the Air Force or his designee, in accordance with §§ 836.61 to 836.78. Claims cognizable under 10 U.S.C. 2734, arising after July 28, 1956 from accidents or incidents caused by a civilian employee of the Department of Defense, other than a civilian employee of the Department of the Army, Navy, or Air Force, may be processed or settled under §§ 836.61 to 836.68 by Air Force commissions. When the Air Force has

been assigned responsibility for tort claims in a particular country or area, all claims cognizable under 10 U.S.C. 2733 and 2734 will normally be processed or settled and paid by an Air Force commission, in accordance with Air Force regulations. A claim cognizable under 10 U.S.C. 2733 and 2734 arising from Air Force activities in a foreign country where another service has been assigned responsibility for its settlement will be sent to the appropriate claims office of that service for settlement.

5. A new § 836.78 is added as follows:

§ 836.78 Claims covered by insurance.

Where privately-owned automobiles are covered by adequate insurance, settlement of claims is the primary responsibility of the insurer. However, the United States is not thereby precluded from settlement or partial settlement of such claims on ex gratia basis where the circumstances indicate that the interest of the United States will be furthered thereby. In appropriate cases, an assignment of rights will be obtained, so that the United States may file suit for any breach of the insurance contract.

(Sec. 8012, 70A Stat. 488; U.S.C. 8012. Interpret or apply 70A Stat. 154, 155; 10 U.S.C. 2734, 2735)

[AFR 112-6A, March 26, 1959]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-3669; Filed, Apr. 30, 1959; 8:45 a.m.]

SUBCHAPTER F—RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Institutional Phase

MISCELLANEOUS REVISIONS

1. In Part 862, § 862.14(c) is revised, as follows:

§ 862.14 Credit for previous military training.

* * * * *

(c) The Professor of Air Science may waive on a year-for-year basis so much of the Air Force ROTC program as he considers equivalent to the previous training at the United States Air Force Academy, United States Military Academy, United States Naval Academy, United States Coast Guard Academy, or in the Senior Division of the Army ROTC or Naval ROTC for students eligible and accepted for enrollment. However, under no circumstances will the requirements for successful completion of the summer training phase of the Air Force ROTC program be waived.

2. Section 862.21 is revised, as follows:

§ 862.21 Appointment as Reserves of the Air Force.

A member of the advanced course, Air Force ROTC, accrues no vested right to commission in any component of the Air Force by virtue of such membership. If otherwise qualified, Air Force ROTC graduates will be tendered appointments as second lieutenants, Reserve of the Air Force, upon successful completion of the military training prescribed by law and regulations and upon being awarded a baccalaureate degree from an accredited educational institution, or upon being certified by an authorized institutional official as having completed all institutional requirements for a degree which is scheduled to be officially awarded at a later date.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381-9387, 70A Stat. 527, 568-571; 10 U.S.C. 9381-9387)

[AFR 45-48A, March 30, 1959]

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-3670; Filed, Apr. 30, 1959; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-5]

RULES OF THE ROAD

Interpretive Rulings

The "Rules of the Road" are requirements which govern all vessels while upon the navigable waters of the United States, as well as all vessels owned in the United States while upon the high seas. Various laws containing these requirements are also often referred to as the "International Rules," the "Inland Rules," the "Great Lakes Rules," and "Western Rivers Rules." These laws are further supplemented by regulations published in 33 CFR Parts 80 to 100, inclusive.

The Coast Guard is charged with responsibility for administration and enforcement of "Rules of the Road." Inquiries are being received as to meanings of certain provisions. In order that the public may understand our procedures in handling these inquiries, a Rules of the Road Subcommittee to the Coast Guard Merchant Marine Council has been established. The functions of this Subcommittee are twofold: First, consider all proposals to amend or interpret the statutory "Rules of the Road." Second, submit recommendations thereon to the Coast Guard Merchant Marine Council, with specific reference as to publication in the FEDERAL REGISTER, referral to public hearing, or necessary legislation.

With respect to publication in the FEDERAL REGISTER, all pertinent interpretive rulings approved by the Commandant will be published as designated regulations in 33 CFR Part 85, 86, 91, or 96, as appropriate. As the laws are generally known by titles which reflect the waters on which applicable, this same division is carried forward in these interpretations; i.e., "International Rules," "Inland Rules," "Great Lakes Rules," and "Western Rivers Rules." In addition, these interpretive rulings will be included in future editions of Coast Guard pamphlets containing "Rules of the Road."

Failure to comply with any law as interpreted will be considered as a violation of such law, and the penalty may be assessed as provided by law.

An Act of August 14, 1958 (Pub. Law 85-635), amended certain requirements governing lights for overtaken vessels while underway at night and subject to the "Inland Rules" or the "Western Rivers Rules." Since that time inquiries have been received concerning whether or not the amendments to Article 10 of section 1 of the Act of June 7, 1897 as amended (33 U.S.C. 179) ("Inland Rules"), and Rule Numbered 10 of section 4233 of the Revised Statutes of the United States, as amended (33 U.S.C. 319) ("Western Rivers Rules"), regarding fixed stern lights, applied to vessels other than "steam vessels," such as tugs, barges, sail vessels, motorboats when propelled by sail alone, etc. The purposes for these statutory amendments are set forth in Senate Report No. 1382, 85th Congress, 2d session, which accompanied Senate Bill 2115, later enacted as Public Law 85-635. The stated purpose for a "fixed stern light" is: "To amend both the inland rules and the western rivers rules so as to require a vessel underway, when not otherwise required to carry a light visible from astern, to carry a fixed white light visible from astern; both sets of rules now require a vessel to show a light astern only when being overtaken by another vessel. The reason for proposing that a vessel, which is not now required to carry a fixed light visible from astern, be required to carry a stern light at all times rather than only when being overtaken, is that often a vessel under the present rules will not detect an overtaking vessel astern and will fail to show the stern light, with the result that the overtaking vessel has no notice of the vessel being overtaken. This creates a risk of collision."

With respect to the application of Article 10 of section 1 of the Act of June 7, 1897, as amended (33 U.S.C. 179) ("Inland Rules"), and Rule numbered 10 of section 4233 of the Revised Statutes of the United States, as amended (33 U.S.C. 319) ("Western Rivers Rules"), these rules apply to all vessels, including but not limited to, tugs, barges, sail vessels, motorboats when propelled by sail alone, etc.

In setting forth the following interpretive rulings as regulations to be included with the "Rules of the Road," additional informative regulations have been inserted to explain their scope, the assignment of functions, and enforcement procedures.

Interpretations were previously published in the FEDERAL REGISTER of November 1, 1957 (22 F.R. 8821), concerning the all around white light aft or the 12-point stern light carried on motorboats. These are included herein in order to have them also appear with the other interpretations regarding the "Rules of the Road."

Because the regulations in this document are interpretations, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following interpretive rulings are prescribed and shall be considered in effect on and after the date of publication of this document in the FEDERAL REGISTER.

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 85—INTERPRETIVE RULINGS—INTERNATIONAL RULES

Subchapter D is amended by adding a new Part 85 reading as follows:

Subpart 85.01—General Provisions

Subpart 85.05—Navigation Lights

AUTHORITY: §§ 85.01–1 to 85.05–1 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633.

Subpart 85.01—General Provisions

§ 85.01–1 Scope.

The regulations in this part are interpretive rulings with respect to the "Rules of the Road" requirements applicable to all public and private vessels of the United States while upon the high seas and in waters connected therewith when subject to the "International Rules" as set forth in the Act of October 11, 1951 (65 Stat. 406–420; 33 U.S.C. 143–147d)

§ 85.01–5 Assignment of functions.

The Secretary of the Treasury by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 25, 1955 (20 F.R. 4976), delegated to the Commandant, United States Coast Guard, authority to prescribe such regulations as necessary to carry out the provisions of any law administered by the Coast Guard. The interpretive rulings in this part are prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and 14 U.S.C. 633 in the Act of August 4, 1949.

Subpart 85.05—Navigation Lights

§ 85.05–1 Stern light for motorboats operating on the high seas carried on centerline.

Rule 10 of the "International Rules" (33 U.S.C. 145h) states, "A vessel when underway shall carry at her stern a white light, * * *." This 12-point white stern light shall be carried on the centerline of every motorboat of Class A, 1, 2, or 3, except that on a motorboat of Class A or 1 this light may be carried off the centerline.

PART 86—INTERPRETIVE RULINGS—INLAND RULES

Subchapter D is amended by adding a new Part 86 reading as follows:

Subpart 86.01—General Provisions

Subpart 86.05—Navigation Lights

AUTHORITY: §§ 86.01–1 to 86.05–5 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633.

Subpart 86.01—General Provisions

§ 86.01–1 Scope.

The regulations in this part are interpretive rulings with respect to "Rules of the Road" requirements applicable to all vessels while in the harbors, rivers, and other inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal and the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

§ 86.01–5 Assignment of functions.

The Secretary of the Treasury by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 25, 1955 (20 F.R. 4976), delegated to the Commandant, United States Coast Guard, authority to prescribe such regulations as necessary to carry out the provisions of any law administered by the Coast Guard. The interpretive rulings in this part are prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and 14 U.S.C. 633 in the Act of August 4, 1949.

§ 86.01–10 Penalties and violations.

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 46 CFR 2.50–20 to 2.50–30, inclusive (Subchapter A—Procedures Applicable to the Public).

Subpart 86.05—Navigation Lights

§ 86.05–1 White lights for motorboats carried on centerline.

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

§ 86.05–5 Stern lights for all vessels.

Article 10 of section 1 of the Act of June 7, 1897, as amended by the Act of August 14, 1958 (33 U.S.C. 179), requires "A vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, * * *" and this requirement shall be applied to all vessels, including but not limited to, tugs, barges, sail vessels, motorboats when propelled by sail alone, etc.

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 91—INTERPRETIVE RULINGS

Subchapter E is amended by adding a new Part 91 reading as follows:

Subpart 91.01—General Provisions

Subpart 91.05—Navigation Lights

AUTHORITY: §§ 91.01–1 to 91.05–1 issued under sec. 3, 60 Stat. 238 and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633.

Subpart 91.01—General Provisions

§ 91.01–1 Scope.

The regulations in this part are interpretive rulings with respect to "Rules of the Road" requirements applicable to all vessels of the United States while in the Great Lakes and their connecting and tributary waters as far east as Montreal and in the navigation of all other vessels upon such lakes and waters while within the territorial waters of the United States.

§ 91.01–5 Assignment of functions.

The Secretary of the Treasury by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 25, 1955 (20 F.R. 4976), delegated to the Commandant, United States Coast Guard, authority to prescribe such regulations as necessary to carry out the provisions of any law administered by the Coast Guard. The interpretive rulings in this part are prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and 14 U.S.C. 633 in the Act of August 4, 1949.

§ 91.01–10 Penalties and violations.

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 46 CFR 2.50–20 to 2.50–30, inclusive (Subchapter A—Procedures Applicable to the Public).

Subpart 91.05—Navigation Lights

§ 91.05–1 White lights for motorboats carried on centerline.

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 96—INTERPRETIVE RULINGS

Subchapter F is amended by adding a new Part 96 reading as follows:

Subpart 96.01—General Provisions

Sec.
96.01–1 Scope.
96.01–5 Assignment of functions.
96.01–10 Penalties and violations.

Subpart 96.05—Navigation Lights

96.05–1 White lights for motorboats carried on centerline.
96.05–5 Stern lights for all vessels.

AUTHORITY: §§ 96.01–1 to 96.05–5 issued sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633.

Subpart 96.01—General Provisions

§ 96.01–1 Scope.

The regulations in this part are interpretive rules with respect to "Rules of the Road" requirements applicable to all vessels while in the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

§ 96.01–5 Assignment of functions.

The Secretary of the Treasury by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 25, 1955 (20 F.R. 4976), delegated to the Commandant, United States Coast Guard, his authority to prescribe such regulations as necessary to carry out the provisions of any law administered by the Coast Guard. The interpretive rulings in this part are prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and 14 U.S.C. 633 in the Act of August 4, 1949.

§ 96.01–10 Penalties and violations.

(a) Failure to comply with any law as interpreted will be considered as a violation of such law and the penalty may be assessed as provided by law.

(b) The reports of violations of the "Rules of the Road," as well as the assessment, collection, mitigation or remission of civil penalties authorized by law, shall be in accordance with 46 CFR 2.50–20 to 2.50–30, inclusive (Subchapter A—Procedures Applicable to the Public).

§ 96.05–1 White lights for motorboats carried on centerline.

Every white light required by section 3 of the Act of April 25, 1940, as amended (46 U.S.C. 526b), shall be carried on the centerline of the motorboat, except that the all-around white light aft on a motorboat of Class A or 1 may be carried off the centerline.

§ 96.05–5 Stern lights for all vessels.

Rule Numbered 10 of section 4233 of the Revised Statutes of the United States, as amended by the Act of August 14, 1958 (33 U.S.C. 319), requires "a vessel when underway, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, * * *" and this requirement shall be applied to all vessels, including but not limited to, tugs, barges, sail vessels, motorboats when propelled by sail alone, etc.

Dated: April 27, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 59–3696; Filed, Apr. 30, 1959; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[No. 32155 Sub. No. 1]

PART 184—CHART OF ACCOUNTS FOR CLASS II MOTOR CARRIERS OF PROPERTY

Accounts Prescribed

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of April A.D. 1959.

The matter of accounts prescribed for use by Class II motor carriers of property by an order entered November 23, 1956 (21 F.R. 9426), being under consideration pursuant to provisions of sections 204 and 220 of the Interstate Commerce Act, as amended; and,

It appearing that an account so prescribed to include various asset items inadvertently required inclusion in that account of items not logically includible under assets in the balance sheet statement; that the public rule-making requirements of the Administrative Procedure Act are thus unnecessary for correction of the error; and good cause therefore appearing:

It is ordered, That effective June 1, 1959, § 184.5 *Accounts prescribed,* be and it is hereby modified by inserting a new and additional account, "186 Reacquired and Nominally Issued Securities," under accounts prescribed for Class II carriers, directly opposite account "1920 Reacquired Securities," under Class I accounts; such new account 186 to include the substance of and to correspond to both said account 1920 and also account "1990 Nominally Issued Securities," under Class I accounts.

And it is further ordered, That this order shall be served on each Class I and Class II common or contract motor carrier of property subject to Part II of the Act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Federal Register Division.

(Sec. 204 and 220; 49 Stat. 546, 563, as amended; 49 U.S.C. 304 and 320, as amended)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–3682; Filed, Apr. 30, 1959; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[CGFR 59–9]

PART 147—USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Cylinders Containing Compressed Gas Used as Ships' Stores

In the Marine Engineering Regulations in 46 CFR 55.16–10(b) it is stated that the liquefied petroleum gas cylinders used in cooking and heating aboard inspected vessels are to be constructed, tested, marked, etc., in accordance with the regulations of the Interstate Commerce Commission, which govern the land transportation of such cylinders. This requirement does not apply to the carriage of liquefied petroleum gas cylinders carried as ships' stores and supplies. The regulation in 46 CFR 147.04–1 governs the carriage of liquefied petroleum gas cylinders as ships' stores and supplies. Due to an oversight this regulation still contains a requirement that such cylinders shall be tested every five years. This five-year test is no longer required by the Interstate Commerce Commission of certain cylinders which are used exclusively for liquefied petroleum gas.

Since the amendment in this document contains revised requirements to agree with existing ICC Regulations or is editorial in nature, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 147.04–1 is prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER.

DETAILED REGULATIONS GOVERNING USE OF SHIPS' STORES AND SUPPLIES

§ 147.04–1 Cylinder requirements.

(a) Cylinders containing a compressed gas, other than liquefied petroleum gas, for use as an article of stores on board any domestic vessel subject to the regulations in this subchapter shall conform to the following conditions:

(1) All cylinders shall be constructed, tested and marked in accordance with the Interstate Commerce Commission specifications in effect upon the date of manufacture and test.

(2) Cylinders shall bear upon the shoulder thereof a test date marking indicating such cylinder has been tested within a period of 5 years. A cylinder continuously installed in place on board a vessel as part of the vessel's equipment for a period of time exceeding 5 years, shall, after 12 years have elapsed from the date of previous test and marking, be removed from the vessel, its contents discharged, the cylinder retested and remarked.

(3) Any cylinder, the contents of which have been discharged or which for any cause has been removed from a vessel subsequent to 5 years from the last test, as indicated by the marking, shall be retested and remarked.

(4) Retesting, remarking, or recharging shall be in accordance with the regulations of the Interstate Commerce Commission in effect at the time the operation takes place.

(5) Cylinders forming part of a system installed on board a domestic vessel shall not be removed from said installation and placed on board any other vessel (except in an emergency) when the test date marking indicates that more than 5 years have elapsed since the cylinder was last tested.

(6) Cylinders marked showing a test date within the preceding 5 years but which show dents or other evidence of rough usage or corrosion to such extent as to indicate possible weakness or that have lost more than 5 percent of their official tare weight or that have been involved in a fire shall not be used or continued in use as a container of any compressed gas as an article of stores on board a vessel until retested and remarked in accordance with the Interstate Commerce Commission regulations. A cylinder reclaimed from a previous installation and showing a test date marking exceeding a period of 5 years shall not be used as a container of compressed gas on board a vessel unless the residue of gas within the cylinder has been discharged and the cylinder retested and remarked in accordance with requirements of the Interstate Commerce Commission regulations for the particular gas and cylinder involved. Cylinders retested under any of the above conditions shall have new or renewed valve and safety relief devices of the proper design installed in the cylinder.

(b) Cylinders containing liquefied petroleum gas for use as an article of stores on board any domestic vessel subject to the regulations in this subchapter shall conform to the following conditions:

(1) All such cylinders shall be constructed, tested, marked, maintained and retested in accordance with the regulations of the Interstate Commerce Commission.

(2) All liquefied petroleum gas cylinders in service shall bear a test date marking indicating that they have been retested in accordance with the regulations of the Interstate Commerce Commission.

(3) Regardless of the date of the previous test, a cylinder shall be rejected for further service when it leaks; when it is weakened appreciably by corrosion, denting, bulging or other evidence of rough usage; when it has lost more than five percent of its tare weight; or when it has been involved in a fire.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: April 27, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59–3695; Filed, Apr. 30, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Notice of Proposed Rule Making

On September 11, 1957, the Atomic Energy Commission issued this part, pursuant to the Atomic Energy Act of 1954, as amended by Public Law 85–256. When Part 140 was issued the Commission stated, among other things, that the regulations therein would be replaced by more definitive regulations. On August 28, 1958, proposed amendments to Part 140 were published in the FEDERAL REGISTER designed principally to specify the form of indemnity agreements which the Commission would enter into with licensees under Part 50, "Licensing of Production and Utilization Facilities"; and to grant approval to the form of nuclear energy liability insurance policies issued by the Nuclear Energy Liability Insurance Association and the Mutual Atomic Energy Liability Underwriters organizations (hereinafter respectively referred to as "NELIA" and "MAELU").

The following proposed amendment constitutes a comprehensive revision of Part 140 in the light of experience since September 1957. The principal changes which would be effected by the following amendments include:

1. Modification of the method for determining the amounts of financial protection required of licensees;

2. A requirement of financial protection in the amount of $1 million for holders of construction permits authorized to possess and store special nuclear material at the site of a nuclear reactor for subsequent use as fuel in the operation of the nuclear reactor;

3. Procedures for the exemption of Federal agencies and non-profit educational institutions from the requirement of financial protection;

4. More specific information requirements applicable to licensees furnishing financial protection in the form of the licensee's resources.

These amendments would also divide this part into subparts. Subpart A would include general provisions applicable to licensees subject to the part. Subpart B would not apply to licensees subject to Subpart C or D. Subpart C would apply only to Federal agencies; and Subpart D only to non-profit educational institutions with respect to licenses for the conduct of educational activities.

The proposed form of indemnity agreement published on August 28, 1958 (23 F.R. 6681) and proposed form of insurance policy published in the FEDERAL REGISTER on the same date (23 F.R. 6684) are incorporated by reference as appendices to this proposed revision of Part 140. Substantial comments have been received in response to the proposed amendments published by the Commission on that date and are still under consideration. With respect to the form of nuclear energy liability insurance, the Commission has been advised that NELIA and MAELU are considering a number of changes. In the meantime, nuclear energy liability insurance binders issued by NELIA and MAELU incorporate the form of policy published at 23 F.R. 6684. The Commission has advised persons filing such binders in appropriate amounts that their proof of financial protection has been accepted by the Atomic Energy Commission under regulations currently in effect.

The form of indemnity agreement published at 23 F.R. 6681 would be entered into only with licensees subject to Subpart B of these amendments. In light of the provisions of that form as it may finally be adopted by the Commission, appropriate forms of indemnity agreement between the Commission and persons subject to Subpart C or D will be incorporated in those subparts. All indemnity agreements entered into by the Commission with licensees who have previously been subject to a requirement of financial protection will be effective as of the appropriate dates specified in the applicable subpart.

Subpart A of the following amendments includes provisions substantially similar to provisions in paragraphs 2 and 3 of Article IV of the form of indemnity agreement published in 23 F.R. 6681. These provisions include procedures for notifying the Commission in the event of a nuclear incident which may be subject to an indemnity agreement. It seems more appropriate to include such provisions in the regulations rather than the indemnity agreement, in order that changes may be made from time to time without a need for amending each executed indemnity agreement. Such provisions in the regulations will be modified as the Commission and interested nuclear energy liability insurance organizations develop improved procedures for handling losses. Such modifications would, of course, be made in accordance with the Commission's customary procedures for the amendment of regulations.

Amounts of financial protection to be required. Under section 170b. of the Act, licensees authorized to operate nuclear reactors having a rated capacity of 100,000 electrical kilowatts or more, are required to have and maintain financial protection equal to the amount of liability insurance available from private sources. With respect to other licensed reactors, the Commission may establish a lesser amount on the basis of criteria set forth in writing, taking into consideration such factors as those specified in section 170b.

The amount of financial protection which would be required under these amendments for any given reactor should not be construed as indicating what the potential or probable damages might be if a serious accident involving that reactor were to occur. An attempt to calculate a dollar amount of damages which might be caused by an accident involving any licensed reactor would require complex and lengthy theoretical studies, the results of which would depend upon the type and validity of the assumptions (as to the various circumstances of the theoretical accident) made in undertaking the study. The results would in almost every case be without significance for purposes of this regulation because the reactor accidents postulated for study purposes and the theoretical consequences calculated for such accidents, are not likely to be similar to those, if any, which will occur. It is consequently more significant for purposes of this regulation to devise equitable means for calculating amounts of financial protection to be required for reactors authorized to operate at the more substantial power levels, based upon relative differences with respect to power level and locations; and to specify fixed amounts for reactors authorized to operate only at the relatively lower power levels.

Under the amendment, the amounts of financial protection required do not vary on the basis of differences in the types of reactors. Under the Commission's regulations, all licensed reactors must meet the Commission's safety requirements. Although there may be differences in the relative safety of various reactor types, or as between different reactors of the same type, there has been insufficient experience to furnish a basis for differentiating, for purposes of this part, as to the relative safety of various types of reactors.

In preparing this amendment the Commission has taken into consideration the factors specified in subsection 170b. of the Act. The Commission has also consulted with representatives of affected industries and has taken their suggestions into consideration.

These amendments would require financial protection in the amount of $1,000,000 for all nuclear reactors having an authorized thermal power level of 10 kilowatts or less. Financial protection in the amount of $1,500,000 would be required for all nuclear reactors having an authorized thermal power level in excess of 10 kilowatts but not in excess of one megawatt. For all nuclear reactors, having a maximum authorized thermal power level exceeding one megawatt but not exceeding 10 megawatts, except testing reactors and reactors licensed under section 104b. of the Act, $2,500,000 of financial protection would be required. Nuclear reactors designed for the production of electrical energy and having a rated capacity of 100,000 electrical kilowatts or more, would be required to furnish financial protection in the amount of $60,000,000. All other nuclear reactors would be required to calculate amounts of required financial protection according to a formula contained in § 140.12 of these amendments, subject to a minimum of $3,500,000 and a maximum of $60,000,000. Nuclear energy liability insurance is available in amounts up to $60,000,000.

Research reactors authorized to operate at a maximum power level of ten thermal kilowatts or less will possess only a modest amount of excess reactivity, and their experimental facilities will present no substantial hazard probability. Reactors in this category frequently do not require building containment.

In the power range from 10 to and including 1000 kilowatts, research reactors require additional reactivity to overcome effects of xenon, samarium and other fission products and to provide for the experimental facilities characteristic of reactors in this power range. Such reactors usually require some degree of building containment and/or isolation.

For research reactors authorized to operate in the range of thermal power levels above one megawatt, but not exceeding ten megawatts, the available excess reactivity is considerably greater than those which may be operated at lower power level, and the experimental facilities are considerably more elaborate. For example, with solid fuel reactors in this range of power, provision must be made for emergency cooling of the core, because if the main coolant is lost during operation, it is possible that the core might melt and consequently release appreciable quantities of fission products. Reactors in this power range require containment and isolation to a degree consistent with the analysis of the hazards.

The proposed formula for determining amounts of financial protection in certain cases. As noted above, the formula contained in the amendments (§ 140.12) is used for determining the amounts of financial protection for reactors having an authorized thermal power level in excess of ten megawatts and for power and testing reactors; and its application is limited by a prescribed minimum of $3,500,000 for such reactors and a maximum of $60,000,000. In applying the formula a "base amount" of financial protection must first be calculated; the base amount is then adjusted by a population factor.

The "base amount" of financial protection. The base amount of financial protection is calculated by multiplying $150 thousand times the maximum power level, expressed in thermal megawatts, authorized by the applicable license. Public Law 85-256 requires financial protection equal to the total amount of private liability insurance available for all power reactors with a capacity of 100,000 electrical kilowatts or more. Such a relationship applied to all reactors needs to be expressed in thermal capacity since many reactors will not be used in connection with the generation of electricity. Although the ratio of thermal to electrical capacity varies somewhat among different reactors, the ratio is defined as four-to-one for purposes of this amendment.

Population factor. Under the proposed formula, the base amount must be multiplied by a population factor. The population factor is designed to take into account the population in a reasonably sized area surrounding the reactor and the proximity of that population to the reactor.

There are two steps involved in determining the population factor to be used in any particlar case. First, the area to be considered must be determined. Under this amendment, the area to be considered for any given facility is a circle with the facility at its center and the radius equal to the square root of the maximum authorized power level in thermal megawatts. This formula for determining the area appears to be reasonable in light of the fact that under normal conditions, fission products released to the atmosphere are diluted at various distances from the point of release approximately in proportion to the square of the distance from that point. It should be emphasized, however, that the method for determining the area to be considered does not represent a judgment as to the size of the area which might actually be affected by any particular reactor accident.

The second step is to identify all minor civil divisions (as shown in the 1950 Census of Population, Bureau of the Census, or later data available from the Bureau) which are, in whole or in part, within the circle determined in step one. The population of each such minor civil division (according to the same census) is divided by the square of the estimated distance from the reactor to the geographic center of the minor civil division in order to give greater weight to population close to the reactor than to more distant population. The sum of the quotients thus obtained for each minor civil division

wholly or partly within the circle represents the population within the area weighted roughly according to the square of the distance from the reactor. Step 2 is completed by assigning a population factor ranging from 1 to 1.5 based on the weighted population within the circle.

Consideration was given to incorporating into the formula a factor to reflect precise property values within the area under consideration, but no suitable means for doing so could be found.

Amount of financial protection in cases where a licensee is licensed to operate two or more nuclear reactors at a single location. Representatives of the insurance syndicates have advised that the nuclear energy liability policies which they are planning to issue will cover nuclear hazards arising out of the possession, disposal or use of special nuclear material at a described location; that they do not plan to issue separate policies for particular activities or reactors at a single location; and that the limit of liability provided in the policy will be the total aggregate liability of the companies under the policy for all nuclear energy hazards with respect to the location.

Under the proposed amendments, such policies may be furnished as financial protection provided that the limit of liability provided in the policy is at least equal to the highest amount of financial protection required under the amendments for any reactor at the location. Thus, if a licensee is authorized to operate three reactors at the location designated in such a policy, and the amount of financial protection required for the reactors is $4,000,000, $2,500,000 and $1,000,000, respectively, the amendments require that the limit of liability stated in the policy be not less than $4,000,000. The amendments would also permit licensees who furnish financial protection in a form other than a policy of liability insurance to calculate the amount of financial protection required for a number of reactors at the same location on the same basis.

Exemptions from financial protection requirements. Prior to the approval of Public Law 85–744, section 170 of the Atomic Energy Act of 1954, as amended, and the Atomic Energy Commission's regulations, required each licensee authorized to operate a nuclear reactor to have and maintain financial protection in an amount specified by the Commission to cover public liability claims. A number of licensees and applicants which were State agencies were unable to comply with the financial protection requirements. Public Law 85–744 was enacted primarily to meet this problem.

The new law exempts licenses issued for the conduct of educational activities to nonprofit educational institutions from the financial protection requirements of subsection 170a. of the Atomic Energy Act.

The Commission has concluded that it may enter into indemnity agreements with agencies of the Federal Government (as defined in the proposed amendments) under subsection 170c of the Atomic Energy Act without requiring such agencies to furnish financial protection.

Notice is hereby given that adoption of the following amendment to Part 140, 10 CFR, "Financial Protection Requirements and Indemnity Agreements", is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 30 days after publication of this notice in the FEDERAL REGISTER.

If sufficient interest is shown, the Commission will consider holding a public rule making hearing with respect to the proposed new §§ 140.11, 140.12 and 140.13 pursuant to the provisions of its rules of practice (10 CFR Part 2).

Subpart A—General Provisions

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140.71 Scope.
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AUTHORITY: § 140.1 to 140.72 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply sec. 4, Public Law 85–256; Public Law 85–744.

Subpart A—General Provisions

§ 140.1 Purpose.

The regulations in this part are issued to provide appropriate procedures and requirements for determining the financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to section 170 of the Atomic Energy Act of 1954 (68 Stat. 919), as amended.

§ 140.2 Scope.

(a) The regulations in this part apply to each person who is an applicant for or holder of a license issued pursuant to Part 50 of this chapter to operate a nuclear reactor.

(b) (1) Subpart B does not apply to any person subject to Subpart C or D. Subpart C applies only to persons found by the Commission to be Federal agencies. Subpart D applies only to persons found by the Commission to be nonprofit educational institutions with respect to licenses and applications for licenses for the conduct or educational activities.

(2) Any applicant or licensee subject to this part may apply for a finding that such applicant or licensee is subject to the provisions of Subpart C or D. The application should state the grounds for the requested finding. Any application for a finding pursuant to this paragraph may be included in an application for license.

§ 140.3 Definitions.

As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(c) "Federal agency" means a Government agency such that any liability in tort based on the activities of such agency would be satisfied by funds appropriated by the Congress and paid out of the United States Treasury.

(d) "Financial protection" means the ability to respond in damages for public liability and to meet the costs of investigating and defending claims and settling suits for such damages.

(e) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(f) "Nuclear reactor" means any apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(g) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public, or private institution, group, Government agency other than the Commission, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(h) "Source material" means source material as defined in the regulations contained in Part 40 of this chapter.

(i) "Special nuclear material" means (1) plutonium, uranim 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provi-

sions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(j) "Testing reactor" means a nuclear reactor which is of a type described in § 50.21(c) of this chapter and for which a license has been applied for authorizing operation at:

(1) A thermal power level in excess of 10 megawatts; or

(2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

§ 140.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretations of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 140.5 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation.

§ 140.6 Reports.

(a) In the event of bodily injury or property damage arising out of or in connection with the possession or use of the radioactive material at the location or in the course of transportation or in the event of an occurrence which may give rise to claims therefor, written notice containing particulars sufficient to identify the licensee and reasonably obtainable information with respect to the time, place, and circumstances thereof, an identification of damaged property and of the owners of such property, of injured individuals, and the names and addresses of available witnesses, shall be furnished by or for the licensee to the Commission as promptly as practicable. After claim is made or suit is brought against the licensee or other person indemnified, a copy of every demand notice, summons or other process received by the licensee or his representative shall be furnished by or for the licensee to the Commission as promptly as practicable. The terms "the radioactive material", "the location", "in the course of transportation", "nuclear incident" and "person indemnified" as used in this section shall have the meanings defined in the applicable indemnity agreement between the licensee and the Commission.

(b) In the event of damage caused by a nuclear incident to property of the licensee, for which it appears that the Commission may be requested to make payments under the provisions of an indemnity agreement entered into between the licensee and the Commission under this part, the licensee shall, as promptly as practicable, furnish a complete inventory of the damage claimed to such property, showing in detail the amount thereof.

(c) The licensee shall notify the Commission promptly of each payment made under any policy of liability insurance maintained by the licensee pursuant to the requirements of this part, including payments of claims and of costs of investigating and settling claims and defending suits for damage.

(d) The Commission may require any person subject to this part to keep such records and furnish such reports to the Commission as the Commission deems necessary for the administration of the regulations in this part.

§ 140.7 Fees.

(a) Each licensee shall pay a fee to the Commission at the rate of $30 per year per thousand kilowatts of thermal capacity authorized in its license: *Provided*, That no fee shall be less than $100 per annum for any nuclear reactor. Such fee shall be due for the period beginning with the date on which the applicable indemnity agreement is effective and shall be paid in accordance with billing instructions received from the Commission.

(b) Where a licensee manufactures a number of nuclear reactors each having a power level not exceeding 3⅓ megawatts, for sale to others and operates them at the licensee's location temporarily prior to delivery, the licensee shall report to the Commission the maximum number of such reactors to be operated at that location at any one time. In such cases, the fee shall equal $100 multiplied by the number of reactors reported by the licensee. In the event the number of reactors operated at any one time exceed the estimate so reported, the licensee shall report the additional number of reactors to the Commission and additional charges will be made. If experience shows that less than the estimated number of reactors have been operated, appropriate adjustment in subsequent bills will be made by the Commission.

§ 140.8 Specific exemptions.

The Commission may, upon application by any interested person, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest.

Subpart B—Provisions Applicable Only to Applicants and Licensees Other Than Federal Agencies and Nonprofit Educational Institutions

§ 140.10 Scope.

This subpart applies to applicants for and holders of licenses issued pursuant to Part 50 of this chapter authorizing operation of nuclear reactors, except licenses for the conduct of educational activities issued to, or applied for by, persons found by the Commission to be nonprofit educational institutions and except persons found by the Commission to be Federal agencies.

§ 140.11 Amounts of financial protection for certain reactors.

(a) Each licensee is required to have and maintain financial protection

(1) In the amount of $1,000,000 for each nuclear reactor he is authorized to operate at a thermal power level not exceeding ten kilowatts;

(2) In the amount of $1,500,000 for each nuclear reactor he is authorized to operate at a thermal power level in excess of ten kilowatts but not in excess of one megawatt;

(3) In the amount of $2,500,000 for each nuclear reactor other than a testing reactor or a reactor licensed under section 104b. of the Act which he is authorized to operate at a thermal power level exceeding one megawatt but not in excess of ten megawatts; and

(4) In the amount of $60,000,000 for each nuclear reactor he is authorized to operate and which is designed for the production of electrical energy and has a rated capacity of 100,000 electrical kilowatts or more.

(b) In any case where a person is authorized pursuant to Part 50 of this chapter to operate two or more nuclear reactors at the same location, the total financial protection required of the licensee for all such reactors is the highest amount which would otherwise be required for any one of those reactors: *Provided*, That such financial protection covers all reactors at the location.

§ 140.12 Amount of financial protection required for other reactors.

(a) Each licensee is required to have and maintain financial protection for each nuclear reactor for which the amount of financial protection is not determined in § 140.11, in an amount determined pursuant to the formula and other provisions of this section: *Provided*, That in no event shall the amount of financial protection required for any nuclear reactor under this section be less than $3,500,000 or more than $60,000,000.

(b) (1) The formula is:

$x = B$ times P.

(2) In the formula:

x = Amount of financial protection in dollars.
B = Base amount of financial protection.
P = Population factor.

(3) The base amount of financial protection is equal to $150 times the maximum power level, expressed in thermal kilowatts, as authorized by the applicable license.

(4) The population factor (P) shall be determined as follows:

(i) *Step 1.* The area to be considered includes all minor civil divisions (as shown in the 1950 Census of Population, Bureau of the Census, or later data available from the Bureau) which are wholly or partly within a circle with the facility at its center and having a radius in miles equal to the square root of the maximum authorized power level in thermal megawatts.

(ii) *Step 2.* Identify all minor civil divisions according to the same census which are in whole or in part within the circle determined in Step 1. Determine the population of each such minor civil

division (according to the same census or later data available from the Bureau of the Census). For each minor civil division, divide its population by the square of the estimated distance in miles from the reactor to the geographic center of the minor civil division. If the sum of the quotients thus obtained for all minor civil divisions wholly or partly within the circle is 1,000 or less, the population factor is 1. If the sum of these quotients is more than 1,000 but not more than 3,000, the population factor is 1.1. If the sum of these quotients is more than 3,000 but not more than 5,000, the population factor is 1.2. If the sum of these quotients is more than 5,000 but not more than 7,000, the population factor is 1.3. If the sum of these quotients is more than 7,000 but not more than 9,000, the population factor is 1.4. If the sum of these quotients is more than 9,000, the population factor is 1.5.

(c) In any case where a person is authorized pursuant to Part 50 of this chapter to operate two or more nuclear reactors at the same location, the total financial protection required of the licensee for all such reactors is the highest amount which would otherwise be required for any one of those reactors, provided that such financial protection covers all reactors at the location.

(d) Except in cases where the amount of financial protection calculated under this section is a multiple of $100,000, amounts determined pursuant to this section shall be adjusted to the next highest multiple of $100,000.

§ 140.13 Amount of financial protection required of certain holders of construction permits.

Each holder of a construction permit under Part 50 of this chapter authorizing construction of a nuclear reactor, who is also the holder of a license under Part 70 of this chapter authorizing possession and storage only of special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license under Part 50 of this chapter, shall (during the period prior to issuance of the license authorizing operation of the reactor) have and maintain financial protection in the amount of $1,000,000. Proof of financial protection shall be filed with the Commission in the manner specified in § 140.15 prior to issuance of the license under Part 70 of this chapter.

§ 140.14 Types of financial protection.

(a) The amounts of financial protection required under this part may be furnished and maintained in the form of:

(1) An effective policy of liability insurance from private sources; or

(2) Adequate resources to provide the financial protection required by § 140.11 or § 140.12; or

(3) Such other type of financial protection as the Commission may approve; or

(4) Any combination of the foregoing.

(b) In any case where the Commission has approved proof of financial protection filed by a licensee the licensee shall not substitute one type of financial protection for another type without first obtaining the written approval of the Commission.

§ 140.15 Proof of financial protection.

(a) Proof of financial protection in the case of licensees who maintain financial protection in whole or in part in the form of liability insurance shall (with respect to such insurance) consist of a copy of the liability policy (or policies) together with a certificate by the issuing organization or organizations stating that said copy is a true copy of a currently effective policy issued to the licensee. The licensee may furnish such financial protection in the form of the nuclear energy liability insurance policy set forth in Appendix "A" of this part. The Commission will accept any other form of nuclear energy liability insurance as proof of financial protection, if it determines that the provisions of such insurance provide financial protection under the requirements of the Commission's regulations and the Act.

(b) Proof of financial protection in the case of licensees who maintain financial protection in whole or in part in the form specified in § 140.14(a)(2) shall consist of a showing that the licensee clearly has adequate resources to provide the financial protection required under this part. For this purpose, the applicant or licensee shall file with the Commission:

(1) Annual financial statements for the three complete calendar or fiscal years preceding the date of filing, together with an opinion thereon by a certified public accountant. The financial statements shall include balance sheets, operating statements and such supporting schedules as may be needed for interpretation of the balance sheets and operating statements.

(2) If the most recent statements required under subparagraph (1) have been prepared as of a date more than 90 days prior to the date of filing, similar financial statements, prepared as of a date not more than 90 days prior to the date of filing, should be included. These statements need not be reviewed by a certified public accountant.

(c) The Commission may require any licensee to file with the Commission such additional proof of financial protection or other financial information as the Commissioner determines to be appropriate for the purpose of determining whether the licensee is maintaining financial protection as required under this part.

(d) Proof of financial protection shall be subject to the approval of the Commission.

(e) The licensee shall promptly notify the Commission of any material change in proof of financial protection or in other financial information filed with the Commission under this part.

§ 140.16 Commission review of proof of financial protection.

The Commission will review proof of financial protection filed by any licensee or applicant for license. If the Commission finds that the licensee or applicant for license is maintaining financial protection in accordance with the requirements of this part, approval of the financial protection will be evidenced by incorporation of appropriate provision in the license.

§ 140.17 Special provisions applicable to licensees furnishing financial protection in whole or in part in the form of liability insurance.

In any case where a licensee undertakes to maintain financial protection in the form of liability insurance for all or part of the financial protection required by this part,

(a) The Commission may require proof that the organization or organizations which have issued such policies are legally authorized to issue them and do business in the United States and have clear ability to meet their obligations; and

(b) At least 30 days prior to the expiration of any such policy, the licensee shall notify the Commission of the renewal of such policy or shall file proof of financial protection in some other form.

§ 140.18 Special provisions applicable to licensees furnishing financial protection in whole or in part in the form of adequate resources.

In any case where a licensee undertakes to maintain financial protection in the form specified in § 140.14(a)(2) for all or part of the financial protection required by this part,

(a) The licensee shall file with the Commission at least annually, before such dates as are specified in the applicable written approval issued by the Commission pursuant to § 140.16, a balance sheet and operating statement prepared and certified by a certified public accountant in accordance with conventional accounting practices.

(b) The Commission may require such licensee to file with the Commission such additional financial information as the Commission determines to be appropriate for the purpose of determining whether the licensee is maintaining financial protection as required by this part.

§ 140.19 Failure by licensees to maintain financial protection.

In any case where the Commission finds that the financial protection maintained by a licensee is not adequate to meet the requirements of this part, the Commission may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part and of section 170 of the Act.

§ 140.20 Indemnity agreements.

(a) The Commission will execute and issue agreements of indemnity pursuant to the regulations in this part or such other regulations as may be issued by the Commission. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of the license (issued pursuant to Part 50 of this chapter) authorizing the licensee to operate the nuclear reactor involved; or

(2) The effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee to possess and store special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license for the reactor,

whichever is earlier. No such agreement, however, shall be effective prior to September 26, 1957.

(b) (1) The general form of indemnity agreement to be entered into by the Commission with licensees subject to this subpart is set forth in Appendix "B". The form of indemnity agreement to be entered into by the Commission with any particular licensee under this part shall contain such modifications of the form in Appendix "B" as are provided for in applicable licenses, regulations or orders of the Commission.

(2) Each licensee who has executed an indemnity agreement under this part shall enter into such agreements amending such indemnity agreement as are required by applicable licenses, regulations or orders of the Commission.

Subpart C—Provisions Applicable Only to Federal Agencies

§ 140.51 Scope.

This subpart applies only to persons found by the Commission to be Federal agencies, which have applied for or are holders of licenses issued pursuant to Part 50 of this chapter authorizing operation of nuclear reactors.

§ 140.52 Indemnity agreements.

(a) The Commission will execute agreements of indemnity with each Federal agency subject to this subpart pursuant to the regulations in this part or such other regulations as may be issued by the Commission. Each such agreement shall contain such provisions as are required by law and such additional provisions as may be incorporated therein by the Commission pursuant to regulation. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of the license (issued pursuant to Part 50) authorizing the licensee to operate the nuclear reactor involved; or

(2) The effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee to possess and store special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license for the reactor,

whichever is earlier. No such agreement, however, shall be effective prior to September 26, 1957.

Subpart D—Provisions Applicable Only to Nonprofit Educational Institutions

§ 140.71 Scope.

This subpart applies only to applicants for and holders of licenses issued for the conduct of educational activities to persons found by the Commission to be nonprofit educational institutions, except that this subpart does not apply to Federal agencies.

§ 140.72 Indemnity agreements.

(a) The Commission will execute agreements of indemnity with each person subject to this subpart in accordance with this part or such other regulations as may be issued by the Commission. Each such agreement shall contain such provisions as are required by law and such additional provisions as may be incorporated therein by the Commission pursuant to regulation. Such agreements, as to any licensee, shall be effective on:

(1) The effective date of the license (issued pursuant to Part 50 of this chapter) authorizing the licensee to operate the nuclear reactor involved; or

(2) The effective date of the license (issued pursuant to Part 70 of this chapter) authorizing the licensee to possess and store special nuclear material at the site of the nuclear reactor for use as fuel in operation of the nuclear reactor after issuance of an operating license,

whichever is earlier. No such agreement shall be effective as of a date earlier than August 23, 1958, except that the Commission may upon good cause found, make such agreement effective as of a date prior to August 23, 1958. In no event may the agreement be effective as of a date prior to September 26, 1957.

Appendix "A"—Proposed Form of Insurance Policy (See 23 F.R. 6684)

Appendix "B"—Proposed Form of Indemnity Agreement (See 23 F.R. 6681)

Dated at Germantown, Maryland, this 27th day of April 1959.

For the Atomic Energy Commission.

A. R. Luedecke,
General Manager.

[F.R. Doc. 59-3704; Filed, Apr. 30, 1959; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

TRADE-MARKS AND TRADE NAMES

Notice of Proposed Rule Making

An applicant for recording a trademark or trade name with the Treasury Department is required by existing regulations to disclose the name and address of each related company or foreign person, partnership, association or corporation using the trade-mark while acting as the principal or agent of the trademark owner. The term "related company" refers to any person, partnership, association or corporation which legitimately controls, or is controlled by, the registrant or applicant for registration in respect to the nature and quality of the goods in connection with which the mark is used. Goods originating with the trade-mark owner's foreign related company, and bearing the trade-mark, are not excluded from entry under existing regulations. After reconsideration of the matter, it has been determined that the requirements concerning "related companies" should be eliminated.

Notice is hereby given that under the authority of section 42 of the Act of July 5, 1946 (15 U.S.C. 1124), it is proposed to amend §§ 11.14(b), 11.15(a) and 11.16, Customs regulations, to eliminate references to "related companies."

The amendment in tentative form is as follows:

Section 11.14(b) is amended by deleting ", or by a related company as defined in section 45 of the Trade-Mark Act of 1946.[17]" found in the last sentence and adding a period following "corporation".

Part 11 is amended by deleting footnote 17.

The citation of authority for § 11.14(b) is amended to read "(Sec. 42, 60 Stat. 440, sec. 526, 46 Stat. 741; 15 U.S.C. 1124, 19 U.S.C. 1526)".

Section 11.15(a) is amended by deleting "related company or" found in the first sentence.

Section 11.16 is amended by deleting "related company or" found in the first sentence.

Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 60 days from the date of publication of this notice in the Federal Register. No hearing will be held.

[SEAL] Ralph Kelly,
Commissioner of Customs.

Approved: April 27, 1959.

A. Gilmore Flues,
Acting Secretary of the Treasury.

[F.R. Doc. 59-3697; Filed, Apr. 30, 1959; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATION

Fabricated Structural Steel Industry; Notice of Extension of Time To Submit Exceptions

On March 27, 1959, notice was published in the Federal Register (24 F.R. 2404-2407) of the tentative decision in the determination of prevailing minimum wages in the Fabricated Structural Steel Industry. The notice provided that within fifteen days from the date of its publication interested persons could submit to the Secretary of Labor, Washington 25, D.C., their written exceptions to the proposed actions. A second notice was published on April 18, 1959 (24 F.R. 2996), that for good cause shown, the time for filing such exceptions was extended to May 2, 1959.

Notice is hereby given, upon good cause shown, that the time for filing such written exceptions with the Secretary of Labor is further extended to May 18, 1959.

Signed at Washington, D.C., this 29th day of April 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-3772; Filed, Apr. 30, 1959; 12:14 p.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

CERTAIN PROPOSED OFFERINGS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed amendment of its Rule 135 under the Securities Act of 1933.

This rule provides that a notice or other communication sent by an issuer to security holders to inform them of the proposed issuance of rights to subscribe to additional securities shall not be deemed to offer any security for sale if the communication is transmitted within 60 days prior to the record date, states that the offering will be made only by the prospectus and in addition contains only certain specified information necessary to inform the security holders of the forthcoming offering.

The proposed amendment would expand the rule to authorize the sending of similar notices where an issuer proposes to offer securities to its own security holders or to the security holders of another issuer in exchange for securities presently held by them, or proposes to make an offering of securities to its employees or to the employees of an affiliate.

The text of the rule as proposed to be amended is as follows:

§ 230.135 Notice of certain proposed offerings.

(a) For the purposes only of section 5 of the Act, the following notices sent by an issuer in accordance with the terms and conditions of this section shall not be deemed to offer any security for sale:

(1) A notice to any class of its security holders advising them that it proposes to issue to such security holders rights to subscribe to other securities of such issuer;

(2) A notice to any class of security holders of such issuer or of another issuer advising them that it proposes to offer its securities to them in exchange for other securities presently held by such security holders; or

(3) A notice to its employees or to the employees of any affiliate advising them that it proposes to make an offering of its securities to such employees exclusively.

(b) Such notice shall be sent not more than 60 days prior to the proposed date of the initial offering of the securities, shall state that the offering will be made only by means of a prospectus which will be furnished to such security holders or employees, as the case may be, and shall contain no more than the following information:

(1) The name of the issuer;

(2) The title of the securities proposed to be offered;

(3) In the case of a rights offering, the class of securities the holders of which will be entitled to subscribe to the securities proposed to be offered, the subscription ratio, the proposed record date, the approximate date upon which the rights are proposed to be issued, the proposed term or expiration date of the rights and the approximate subscription price, or any of the foregoing;

(4) In the case of an exchange offering, the name of the issuer and the title of the securities to be surrendered in exchange for the securities to be offered, the basis upon which the exchange is proposed to be made and the period during which the exchange may be made, or any of the foregoing;

(5) In the case of an offering to employees, the name of the employer and class or classes of employees to whom the securities are proposed to be offered, the offering price or basis of the offering and the period during which the offering is to be made, or any of the foregoing; and

(6) Any statement or legend required by State law or administrative authority.

All interested persons are invited to submit their views and comments on the proposed amended rule, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before May 25, 1959. All such communications received in regard to the proposed amended rule will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 23, 1959.

[F.R. Doc. 59-3680; Filed, Apr. 30, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

EMIL HEES

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Emil Hees, Chemin Etienne Duval 8, Petit-Saconnex, Geneva, Switzerland; Claim No. 61022; $11,272.18 in the Treasury of the United States. Vesting Order No. 18005.

Executed at Washington, D.C., on April 21, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-3693; Filed, Apr. 30, 1959; 8:49 a.m.]

LADISLAU RIMAI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ladislau Rimai, Rua Proff, Alfonso Bovero 1069, Sao Paulo, Brazil; Claim No. 41962; $596.96 in the Treasury of the United States. Vesting Order No. 6876.

Executed at Washington, D.C., on April 22, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-3694; Filed, Apr. 30, 1959; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 24, 1959.

The Bureau of Land Management proposes to withdraw under Serial No. Nevada-051062, the land described below from all forms of appropriation, including the mining and mineral leasing laws. The Bureau desires the land as an administrative site for storage facilities of fire equipment in furtherance of an improved range fire protection system.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 19 E.,
Sec. 21, S½NE¼NE¼NE¼.

The area described contains 5 acres.

E. J. PALMER,
State Supervisor.

[F.R. Doc. 59-3708; Filed, Apr. 30, 1959; 8:51 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 24, 1959.

The Federal Aviation Agency has filed an application, Serial No. Nevada-045177, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land as a Remote Control Air to Ground Communication Facility to serve all types of aircraft.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

Beginning at a point 1,300' west and 210' south of the South corner common to Sections 33 and 34, T. 1 N., R. 66 E.;
Thence south 230';
Thence west 170';
Thence north 230';
Thence east 170' to the point of beginning;
And, in addition all land within a radius of a 1,000' from the center of said site.
The Southeast corner of this site is 110' north of USC&GS BM, Elevation 9,395', on the summit of Highland Peak.

The area contains approximately 72 acres.

E. J. PALMER,
State Supervisor.

[F.R. Doc. 59-3709; Filed, Apr. 30, 1959; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGENCY HEADS ET AL.

Delegations of Authority and Assignment of Functions; Amendments

The Secretary of Agriculture has delegated the authority to issue regulations for the purposes of implementing the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to various officials of the Department including the Administrator, Commodity Stabilization Service. The delegation of authority and assignment of functions were originally published in the FEDERAL REGISTER of January 6, 1954 (19 F.R. 74, 77), amended on March 15, 1956 (21 F.R. 1665), and amended further on September 26, 1956 (21 F.R. 7351). However, the Secretary reserved therein the authority to approve the appointment of committees for review of farm marketing quotas (7 U.S.C. 1363).

The purpose of these amendments is to authorize the Administrator, Commodity Stabilization Service, to approve the appointment of committees for review of farm marketing quotas heretofore reserved by the Secretary.

Section 1101 of the delegations of authority and assignments of functions as published on January 6, 1954 (19 F.R. 74, 77), as amended on March 15, 1954 (21 F.R. 1665), and as amended further on September 26, 1956 (21 F.R. 7351), is hereby further amended as follows:

1. By deleting subparagraph (1) of paragraph (a).

2. By renumbering subparagraphs (2), (3), (4) and (5) of paragraph (a) as subparagraphs (1), (2), (3) and (4), respectively.

Done at Washington, D.C., this 27th day of April 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-3690; Filed, Apr. 30, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

COFINA S.A. ET AL.

Order Revoking Export Licenses and Denying Export Privileges

In the matter of COFINA S.A. (Compagnie Commerciale Financiere Industrielle & Agricole) and Moises Oscar Braunstein, 3 Rue des Cultes, Brussels, Belgium; COFINA, Inc., and David A. Wingate, 68 Wall Street, New York, New York; respondents; Case No. 259.

The respondents, COFINA S.A., Moises Oscar Braunstein, COFINA, Inc., and David A. Wingate, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents having been duly served with the charging letter (COFINA, Inc., and David A. Wingate answering and COFINA S.A. and Moises Oscar Braunstein not answering);

This case was referred to the Compliance Commissioner, who held a hearing at which COFINA, Inc., and David A. Wingate were represented by counsel.

The Compliance Commissioner, having heard and considered the evidence submitted in support of the charges and the evidence and arguments submitted on behalf of COFINA, Inc., and David A. Wingate in opposition thereto, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, United States Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth, together with which report he has transmitted the record.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, David A. Wingate and COFINA, Inc., were engaged in the export business in the City of New York.

2. At all times hereinafter mentioned, Moises Oscar Braunstein and COFINA S.A. (Compagnie Commerciale Financiere Industrielle & Agricole) were engaged in the export-import business in Brussels, Belgium.

3. At all times hereinafter mentioned, Braunstein and COFINA S.A. were fully informed of United States Export Control Regulations governing the disposition of goods exported from the United States and, having such knowledge, they engaged in the acts hereinafter described for the purpose of obtaining goods to be shipped by them to persons or customers from whom they had obtained orders prior to the purchase of such goods from COFINA, Inc., and Wingate.

4. In order to induce the exportation to them by Wingate and COFINA, Inc., of quantities of transistors and electronic tubes from the United States, Braunstein and COFINA S.A. represented to COFINA, Inc., and to the Bureau of Foreign Commerce that the said goods were being purchased by them for delivery to and use in Belgium as the country of ultimate destination.

5. Upon representations so made by Braunstein and COFINA S.A., Wingate and COFINA, Inc., applied to the Bureau of Foreign Commerce for validated export licenses authorizing the shipment of such goods to COFINA S.A. and, in said applications, Wingate and COFINA, Inc., did represent to the Bureau of Foreign Commerce that the goods for which licenses were being requested were to be exported to Belgium as the country of ultimate destination. The licenses were issued upon said applications.

6. Thereafter and under the authority of said licenses, Wingate and COFINA, Inc., exported to Braunstein and COFINA S.A. quantities of transistors valued in the aggregate at $1,207.00, 4 klystron tubes valued at $1,474.00, and 1 bomac tube valued at $1,707.75.

7. In order to accomplish said exportations, Wingate and COFINA, Inc., were required to execute shipper's export declarations and did represent therein to the Bureau of Foreign Commerce and to the Bureau of Customs that the said transistors and tubes were being ex-

ported to Belgium as the country of ultimate destination.

8. With respect to all the exportations Wingate and COFINA, Inc., did fail and omit to endorse on the commercial invoices issued in connection with the goods so exported the destination control clause required to be endorsed thereon by § 379.10(c) of the Export Regulations.

9. After having delivered part of an order under one of the licenses so issued to them and approximately 45 days after the expiration of said license, Wingate and COFINA, Inc., shipped to COFINA S.A. 20 diodes which were part of the original order received, which could have been shipped under the said license prior to its expiration, and which were shipped without their having obtained an extension or new license.

10. After arrival of the transistors and the tubes in Belgium, Braunstein and COFINA S.A. transshipped 60 transistors valued at $307 to Vienna, Austria, 40 transistors valued at $900 to Prague, Czechoslovakia, and the klystron tubes valued at $1,474 plus the bomac tube valued at $1.707.75 to destinations unknown, all without prior authority or permission from the Bureau of Foreign Commerce.

11. During an investigation, Braunstein and COFINA S.A. gave false answers concerning the disposition of some of the goods received by them.

And, from the foregoing, the following are my conclusions:

A. That the respondents Moises Oscar Braunstein and COFINA S.A. bought, financed, and received goods exported from the United States knowing that with respect to such exportations violations of the Export Control Act of 1949, as amended, and the regulations had occurred and were intended to occur; caused to be used export control documents for the purpose of and in connection with facilitating and effecting exportations from the United States contrary to the terms thereof; diverted and transshipped to unauthorized destinations goods exported from the United States contrary to the terms and conditions under which the said goods had been exported from the United States; and made false and misleading statements and representations to agents of the United States during the course of an investigation instituted under the authority of the Export Control Act of 1949, as amended, all in violation of §§ 381.2, 381.5, and 381.6 of the Export Regulations.

B. That David A. Wingate and COFINA, Inc., knowingly exported commodities from the United States without authorization of an export license issued or established by the Bureau of Foreign Commerce and issued commercial invoices with respect to shipments by them of commodities subject to validated license without endorsing on the face thereof the required destination control notice, all in violation of §§ 370.2, 372.3, and 379.10 of the Export Regulations.

In his report, the Compliance Commissioner said:

The respondents Braunstein and COFINA Brussels were duly served with the charging letter and they have failed to answer or otherwise move with respect thereto. By Subdivision (b) of 382.5 of the Regulations all the allegations made against them are deemed to be admitted. * * *

Before proceeding with the discussion of the facts of this case reference should be made to the position taken by the COFINA New York and Wingate attorneys with respect to the function of the answer. At one point, when I inquired with respect to Wingate, "Where is his testimony?," (his attorney) responded that it was in the answer and that the answer was a verified answer. * * * At another point, referring to a remark made by him, (his attorney) said, "I am quoting, if you would rather I do, directly from the verified answer. That is in the answer." * * * The answer was in fact not a verified answer, and it is not required under our rules that answers be verified. However, our rules do provide that, even when an answer is given, if the respondent does not demand an oral hearing (or in effect does not attend an oral hearing), he must transmit "original or photocopies of all correspondence, papers records, affidavits, and other documentary or written evidence having any bearing upon or connection with the matters in issue * * *" * * * The purpose of this rule is to provide the proof which otherwise would be given if a respondent were present in person. An answer, therefore, does not take the place of testimony or documentary evidence. The fact that the attorneys signed the answer (presumably in conformance with Rule 11 of the Rules of Civil Procedure for the United States District Courts) constituted merely a certificate by them that they had read the pleading, that to the best of their knowledge, information, and belief there was good ground to support it, and that it was not interposed for delay. Rule 11 does not provide a substitute for evidence. * * *

Braunstein's inclination to resort to devices to ship unlawfully to Communist China goods exported from the United States is found in his letter to COFINA New York dated February 25, 1955. * * * The record does not contain COFINA New York's reply to this letter. There is, however, a later letter dated May 29, 1956, from Wingate and COFINA New York to Braunstein and COFINA Brussels. In this letter, they are very clearly put on notice that goods licensed by the United States Government for shipment to Belgium as the country of ultimate destination are prohibited from diversion contrary to the laws of the United States. * * * In view of the evidence showing transshipments, the inclination of Braunstein and COFINA Brussels to engage in devices to circumvent our export control regulations, the false representations to American officials during the course of the investigation, and their failure to answer the charging letter, it is my recommendation that they be denied export privileges so long as export controls are in effect. * * *

In my opinion it is not necessary to take such drastic action against Wingate and COFINA New York. While it is no excuse for violation of export controls that they were ignorant of the export control regulations and their obligations with respect thereto, it does appear that they were not very well informed. * * * The very fact that they engaged in export transactions and did not become informed is a serious omission which requires more than token remedial action. The exportation of the two 10-piece lots of diodes without export license (because the export license previously issued had expired) is claimed to have been merely a procedural omission. Perhaps it was. Certainly, if it was worse, the record does not show it because the statements presumably given to the Postoffice in connection with the mailing are not in evidence. The failure to endorse the destination control notice on the invoices is not in any sense of the word a technical omission, particularly since the Wingate-COFINA New York letter of May 29, 1956 * * * shows a definite familiarity with the language of the destination control notice. * * * The main value of the action to be taken in this (part of the) case is the aid to effective enforcement of the Act which publication of the facts will provide. * * * It is my recommendation that they be denied export privileges for a period of twelve months but that only the first six months thereof be effective immediately and that the remaining six months be withheld for six months, which in turn shall constitute an extended probation, all as more fully set forth in the order to be submitted herewith.

Now, after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses in which COFINA S.A., Moises Oscar Braunstein, COFINA, Inc., and David A. Wingate appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. So long as export controls shall be in effect, the respondents COFINA S.A. and Moises Oscar Braunstein hereby are denied all privileges of participating, directly or indirectly in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or or hereafter been completed, and, except as qualified in Part IV hereof, for one year commencing on the day following the date hereof, the respondents COFINA, Inc., and David A. Wingate hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any such respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denials of export privileges, to the extent that any respondent may be affected thereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now

or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Six months after the day following the date hereof, without further order of the Bureau of Foreign Commerce, COFINA, Inc., and David A. Wingate shall have their export privileges restored to them conditionally, the condition for such restoration being that during one year following the date hereof the said respondents shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. The privileges so conditionally permitted to COFINA, Inc., and David A. Wingate under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that either such respondent has knowingly failed to comply with the conditions set forth therein, in which event Part II hereof shall then be and become effective for six months following the date of the order making such finding or until one year from the date hereof, whichever shall be the later, without thereby precluding the Bureau of Foreign Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have the right to appeal therefrom, as provided in the Export Regulations.

VI. During any time when a respondent or any related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, or other business organization, whether in the United States or elsewhere, on behalf of or in any association with any such respondent or related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: April 28, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-3692; Filed, Apr. 30, 1959; 8:48 a.m.]

Federal Maritime Board

[Docket No. S-89]

AMERICAN MAIL LINE LTD., ET AL.

Notice of Hearing

A public hearing will be held under section 605(c) of the Merchant Marine Act of 1936 (46 U.S.C. 1175) upon the following listed applications for modification of subsidized service now provided by each operator:

American Mail Line Ltd. requests the privilege of making 12 to 16 calls a year at California ports with its subsidized vessels for the purpose of loading cargoes for ports in the Far East and for the removal of the present limitations upon the type and origin of cargoes which may, on the 10 to 13 voyages a year now allowed to American Mail Line, be brought from Far East ports to California ports.

American President Lines, Ltd. requests the privilege of calling on a minimum of 12 and a maximum of 16 voyages per annum at Pacific Northwest ports for the purpose of loading and discharging cargoes to and from points in the Far East with its subsidized vessels employed in the California-Far East Service (Trade Route No. 29).

Pacific Far East Line, Inc. requests authority to make calls on a minimum of 12 and a maximum of 18 voyages per annum at Pacific Northwest ports for the purpose of loading or discharging cargo to and from Far East ports with its subsidized vessels employed in the California-Far East Service (Trade Route No. 29).

The purpose of the hearing under section 605(c) of the Act is to receive evidence relative to the following: (1) Whether each application is one with respect to a vessel or vessels to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service or services and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon; (2) whether each application is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and, if so, (a) whether the effect of the payment of subsidy for such modified service would give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, and (b) if this is the effect, whether it is necessary to enter into an amendment to the subsidy contract covering such modifications in order to provide adequate service by vessels of United States registry.

The hearing will be conducted before an Examiner at a time and place to be announced in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D.C., by close of business on May 15, 1959, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: April 28, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-3700; Filed, Apr. 30, 1959; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-17]

NATIONAL INSTITUTES OF HEALTH

Notice of Proposed Issuance of Byproduct Material License To Dispose of Low Level Radioactive Waste in the Ocean

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct Material License to the National Institutes of Health, Building 21, Bethesda 14, Maryland, substantially in the following form, authorizing the disposal of waste byproduct material in the Atlantic Ocean at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a motion of intervention and a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice." There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license.

For further details see (1) the application submitted by the National Institutes of Health and amendments thereto and (2) a copy of Appendix A to the proposed license which contains transportation container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referenced to in Condition 5 of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of April 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. 19-296-11 (D61)]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing

of Byproduct Material" and in reliance upon the statements and representations contained in the application dated February 12, 1959, including documents incorporated by reference, and the amendment thereto dated March 10, 1959, hereinafter referred to as "the application", a license is hereby issued to the National Institutes of Health, Building 21, Bethesda 14, Maryland to receive, possess, package, and dispose of byproduct material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 50 curies of byproduct material at any one time.

2. Byproduct material shall be received, packaged, and disposed of by, or under the direct supervision of, individuals designated by the licensee's Radiation Committee pursuant to the terms and conditions governing the composition and functions of the Radiation Committee as described in the application.

3. The licensee shall receive, package, possess and dispose of the byproduct material in accordance with the procedures described in the application, except as provided otherwise in this license.

4. A copy of "Policies and Procedures for Radioisotope Areas" as described in the licensee's application shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct material.

5. The transportation of AEC-licensed material to and from the location designated in Condition 6 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet the specifications for sea disposal containers as approved herein or any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level of any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

(4) Inside containers are not required for sea disposal containers as approved herein except where specified in the application.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

6. The licensee shall store and package byproduct material for sea disposal only at the National Institutes of Health, Building 21, Bethesda 14, Maryland, as described in the licensee's application.

7. The licensee shall dispose of byproduct material in the Atlantic Ocean within a 5-mile radius circle the center of which is a point designated as parallel of latitude 36°56′ N. and meridian of longitude 74°23′ W. at a minimum depth of 1000 fathoms.

8. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 10 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, and the most hazardous radioisotope contained in each container.

This license shall be effective on the date issued and shall expire on April 30, 1961.

Date of issuance:

For the Atomic Energy Commission.

MEMORANDUM BY THE DIVISION OF LICENSING AND REGULATION IN THE MATTER OF NATIONAL INSTITUTES OF HEALTH

By application dated February 12, 1959, and amendments thereto, the National Institutes of Health, Building 21, Bethesda 14, Maryland, requested a license to receive, possess, package and dispose of low-level byproduct material wastes in the Atlantic Ocean.

Based on the consideration set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger of life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct material in such a manner as to protect health and minimize danger to life or property;

(c) The issuance of a byproduct material license to the National Institutes of Health will not be inimical to the health and safety of the public.

Experience of personnel. The use of all byproduct material at National Institutes of Health is under the control of the Radiation Committee. The members of this committee have had extensive training and experience in radiation safety and the use of byproduct material. Dr. Howard L. Andrews is the Radiation Safety Officer for the National Institutes of Health. Dr. Andrews is Chairman of the Subcommitee in Radiological Monitoring Methods and Instruments of the National Committee on Radiation Protection and has had 12 years experience in radiation protection and research in the biological effects of radiation. Therefore, the training and experience of the personnel responsible for the waste disposal operation is sufficient to provide assurance that the proposed operation will be conducted in a manner to protect the health and safety of the public and minimize danger to life and property.

Equipment, facilities and procedures. The waste processing and storage site is located in an area which is chiefly institutional (i.e., hospitals, research facilities) and is approximately ½ mile from residential areas. The area where the waste is packaged and stored is approximately 200′ by 150′ within which is a building having about 11,000 sq. ft. of floor area. The building is of reinforced concrete construction with a concrete floor and is used only in their radioisotope program. Packaging of the waste is conducted primarily on the loading platform of the building or on an asphalt pad approximately 50′ by 75′. The building where the waste is packaged and the waste storage area is enclosed by an 8′ high chain link fence topped by barbed wire. The area will be locked when not under surveillance by personnel of National Institutes of Health.

Adequate procedures have been established covering each phase of the waste disposal program. The applicant has also established adequate emergency procedures to cope with accidents. Written instructions on proper radiation protection precautions and procedures will be given to each employee involved in a waste disposal operation. Necessary equipment for packaging the waste and transporting it to the disposal site is available.

Transportation of waste material both to and from the applicant's proposed site will be conducted in accordance with the regulations of the Interstate Commerce Commission and the U.S. Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 5 of the proposed license which establishes transportation requirements substantially the same as those of the Interstate Commerce Commission regulations.

The facilities, equipment and operating procedures described by the applicant appear adequate to assure that the disposal operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Containers and disposal site. The packaging of waste material and the disposal site will meet the recommendations of the National Committee on Radiation Protection contained in Handbook 58, "Disposal of Radioactive Waste in the Ocean". The outside containers used for packaging are either 55 gallon drums or concrete burial vaults. The waste materials are mixed with concrete within a 55 gallon drum or burial vault. Each drum is labeled to indicate the name of the licensee, the date of packaging, the most hazardous radioisotope, the level of activity, and an identification number. All final disposal containers are checked for contamination and a minimum density of 10 pounds per gallon upon completion of packaging.

Disposal of the waste is at a minimum depth of 1,000 fathoms. The disposal site proposed by the applicant is within a 5 mile radius circle at a point designated as parallel of latitude 36°56' N. and meridian of longitude 74°23' W. It is located beyond the continental shelf and lies approximately 105 miles east of Cape Henry, Virginia. The licensee will be required to maintain the necessary records to verify disposal at this site.

At least 10 days prior to each sea disposal operation the Commission will be notified of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, and the most hazardous radioisotope in each container. The National Institutes of Health has been disposing of waste material in the Atlantic Ocean for several years.

The sea disposal of radioactive wastes at a depth of 1,000 fathoms when packaged in accordance with the requirements of the proposed license is considered a safe method of radioactive waste disposal. The small amounts of radioactive material licensed for disposal if released into sea water at the specified depth would be greatly diluted and dispersed by the ocean and would not result in radioactivity of public health significance.

[F.R. Doc. 59-3705; Filed, Apr. 30, 1959; 8:51 a.m.]

[Docket No. 27-18]

DEPARTMENT OF THE NAVY; U.S. NAVAL RADIOLOGICAL DEFENSE LABORATORY

Notice of Proposed Issuance of Byproduct Material License To Dispose of Radioactive Waste in the Ocean

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct Material License to the Department of the Navy, U.S. Naval Radiological Defense Laboratory, San Francisco Naval Shipyard, San Francisco, California, substantially in the following form, authorizing the disposal of waste byproduct material in the Pacific Ocean at a minimum depth of 1,000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a motion of intervention and a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice". There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license.

For further details see (1) the application submitted by the U.S. Naval Radiological Defense Laboratory and amendments thereto and (2) a copy of Appendix A to the proposed license which contains transportation container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referred to in Condition 5 of the license; both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of April 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. 4-487-6 (D61)]

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material", and in reliance upon the statements and representations contained in the application dated March 6, 1959, including documents incorporated by reference, hereinafter referred to as "the application", a license is hereby issued to the Department of the Navy, U.S. Naval Radiological Defense Laboratory, San Francisco Naval Shipyard, San Francisco, California, to receive, possess, package, and dispose of byproduct material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 150 curies of byproduct material at any one time.

2. Byproduct material shall be received, packaged, and disposed of by, or under the direct supervision of, individuals designated by the licensee's Radioisotope Committee, pursuant to the terms and conditions governing the composition and functions of the Radioisotope Committee as described in the application.

3. The licensee shall receive, package, possess and dispose of the byproduct material in accordance with the procedures described in the application, except as provided otherwise in this license.

4. A copy of "Radioactive Waste Handling Procedures" and "Accountability and Health Physics Measures for Radioactive Materials at USNRDL" shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct material.

5. The transportation of AEC-licensed material to and from the location designated in Condition 6 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) The containers shall meet the specifications for sea disposal containers as approved herein or any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

(4) Inside containers are not required for sea disposal containers as approved herein except where specified in the application.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotopes;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy

Commission, and should contain sufficient information to support such a request.

6. The licensee shall store and package byproduct material for sea disposal only at U.S. Naval Radiological Defense Laboratory, San Francisco Naval Shipyard, San Francisco, California, as described in the licensee's application.

7. The licensee shall dispose of byproduct material in the Pacific Ocean within a 5 mile radius circle the center of which is at a point designated as parallel of Latitude 37° 41' N. and meridian of Longitude 123° 25' W. at a minimum depth of 1,000 fathoms.

8. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, and the most hazardous radioisotope contained in each container.

9. Each container for sea disposal shall be durably and visibly labeled with the following information.

A. The name and address of the licensee.
B. Date packaged.
C. Amount of radioactivity.
D. Most hazardous radioisotope.

This license shall be effective on the date issued and shall expire on April 30, 1961.

Date of Issuance:

For the Atomic Energy Commission.

MEMORANDUM BY THE DIVISION OF LICENSING AND REGULATION IN THE MATTER OF DEPARTMENT OF THE NAVY U.S. NAVAL RADIOLOGICAL DEFENSE LABORATORY

By application dated March 6, 1959, and amendments thereto, the U.S. Naval Radiological Defense Laboratory, San Francisco Naval Shipyard, San Francisco, California requested a license to receive, possess, package and dispose of low-level byproduct material wastes in the Pacific Ocean.

Based on the consideration set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger of life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct material in such a manner as to protect health and minimize danger of life or property;

(c) The issuance of a byproduct material license to U.S. Naval Radiological Defense Laboratory will not be inimical to the health and safety of the public.

Experience of personnel. The use of byproduct material at U.S. Naval Radiological Defense Laboratory is under the control of the Radioisotope Committee who designate the personnel who may handle licensed material. The members of this committee have had extensive training and experience in radiation safety and the use of byproduct material. Mr. Alfred L. Baietti is Chairman of the Radioisotope Committee and in charge of health physics for the laboratory. He has had over 10 years of training and experience in radiation protection work. Designated personnel of the Health Physics Division will be responsible for the waste disposal program and have several years of experience with radiation and radioactive material, radiation monitoring, decontamination methods, contamination control, and the principles and practices of radiation protection. Therefore, it appears that the applicant has personnel with sufficient training and experience in the handling of radioactive materials to provide assurance that the waste disposal operation will be conducted in a manner to protect the health and safety of the public and minimize danger of life or property.

Equipment, facilities and procedures. NRDL is located within the San Francisco Naval Shipyard which is a restricted military area located on San Francisco Bay, California. The Health Physics Division of the Laboratory is responsible for the radiation safety aspects of the waste disposal operation. This service includes routine and special surveys, personnel monitoring, bioassay of personnel, monitoring instrumentation, and similar services to assure adequate radiological health safety practices. Written instructions on radiation protection precautions and procedures are given to employees.

Transportation of waste material will be conducted in accordance with the regulations of the Interstate Commerce Commission and the U.S. Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 5 of the proposed license which establishes transportation requirements similar to those of the Interstate Commerce Commission Regulations.

The facilities, equipment and operating procedures described by the applicant appear adequate to assure that the disposal operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Containers and disposal site. The packaging of waste material and the disposal site will meet the recommendations of the National Committee on Radiation Protection contained in Handbook 58, "Disposal of Radioactive Waste in the Ocean". Waste material is packaged either in 55 gallon drums or concrete blocks so that there will be no significant voids. The completed packages will have a minimum density of 10 lbs./gal. displacement volume to assure sinking. Each container is labeled to indicate the name of the licensee, the date of packaging, the most hazardous radioisotope, and the level of activity. All packages are checked for outside contamination and proper weight upon completion of packaging.

Disposal is within a 5 mile radius circle the center of which is located at the point designated as the parallel of latitude 37°41' N. and meridian of longitude 123°25' W. where the minimum ocean depth is 1,000 fathoms.

This location is beyond the continental shelf and lies approximately 50 miles WSW of San Francisco, California. The licensee will maintain the necessary records to verify disposal at this site.

At least 20 days prior to each sea disposal the Commission will be notified of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, and the most hazardous radioisotope in each container. The U.S. Naval Radiological Defense Laboratory has been disposing of waste byproduct material in the Pacific Ocean for several years.

The sea disposal of radioactive wastes at a depth of 1,000 fathoms when packaged in accordance with the requirements of the proposed license is considered a safe method of radioactive waste disposal. The small amounts of radioactive material licensed for disposal if released into sea water at the specified depth would be greatly diluted and dispersed by the ocean and would not result in radioactivity of public health significance.

[F.R. Doc. 59-3706; Filed, Apr. 30, 1959; 8:51 a.m.]

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that The Veterans Administration Hospital, Omaha, Nebraska, under section 104c of the Atomic Energy Act of 1954, filed an application dated March 24, 1959, for license authorizing construction and operation, on the Hospital's site, of a nuclear reactor designed for continuous operation at a power level of 10 kilowatts (thermal). The reactor is of the type designated as TRIGA by the manufacturer, General Dynamics Corporation, San Diego, California. A copy of the application is on file in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 27th day of April 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-3707; Filed, Apr. 30, 1959; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9942]

SOUTHEAST AIRLINES

Enforcement Case; Notice of Postponement and Change in Place of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that the hearing in the above-entitled proceeding heretofore scheduled to be held on May 5, 1959, in Washington, D.C., is postponed and assigned to be held June 2, 3, and 4, 1959, at 10:00 a.m. (local time) in the Colonial Room, Kingsport Inn, Kingsport, Tennessee, before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., April 28, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-3703; Filed, Apr. 30, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12457, 12857; FCC 59-382]

CLARENCE E. WILSON AND PERMIAN BASIN RADIO CORP. (KHOB)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Clarence E. Wilson, Hobbs, New Mexico, requests 1390 kc, 5 kw, Day, Docket No. 12457,

File No. BP–11817; Permian Basin Radio Corporation (KHOB), Hobbs, New Mexico, has 1280 kc, 1 kw, Day, requests 1390 kc, 5 kw, Day, Docket No. 12857, File No. BP–12528; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of April 1959;

The Commission having under consideration the above-captioned and decribed applications; and

It appearing, that, except as indicated by the issues specified below, both applicants are legally, financially and otherwise qualified to operate their proposals, but that the proposed operations involve mutually destructive interference, and that the Permian Basin Radio Corporation proposal does not comply with § 3.30 of the Commission rules in that its main studio is located in neither the city where the station is located nor at the transmitter site; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated February 11, 1959, of the aforementioned deficiencies and that the Commission was unable to conclude at the time that a grant of either application would be in the public interest; and

It further appearing, that timely replies were received from the applicants; and

It further appearing, that, in the event of favorable action on the KHOB application in the hearing ordered below, a grant of said application should be on the condition that KHOB shall not be authorized to operate on 1390 kc until KGFL, Roswell, New Mexico has been authorized to operate on a frequency other than 1400 kc; and

It further appearing, that, Permian Basin Radio Corporation in its reply dated March 6, 1959 requested a waiver of § 3.30 of the Commission rules on the grounds that the main studio location although outside the city limits of Hobbs, New Mexico, is surrounded on the east, south and west by the city; that the property is expected by the city officials of Hobbs, to be annexed within the next 90 to 100 days; and that the applicant states further that if a waiver is not granted it desires to amend its application to specify a studio location in Hobbs, New Mexico; but that on the basis of the information before us we are unable to conclude at this time whether circumstances exist which would warrant a waiver of said section; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a hearing on these proposals is necessary:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Clarence E. Wilson and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would be expected to gain or lose primary service from the operation of Station KHOB, as proposed herein, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of KHOB is in compliance with § 3.30 of the Commission rules with respect to main studio location, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, on a comparative basis, which of the above-captioned proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein, and the record made with respect to the significant differences between the two as to:

a. The background and experience having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the proposal of KHOB, the construction permit shall contain a condition that KHOB shall not be authorized program tests until Station KGFL, Roswell, New Mexico, has been authorized program tests on a frequency other than 1400 kilocycles; and that KHOB shall not be granted a license until KGFL is granted a license on a frequency other than 1400 kilocycles.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–3671; Filed, Apr. 30, 1959; 8:45 a.m.]

[Docket No. 12530; FCC 59M–541]

MUSICAL HEIGHTS, INC.

Order Continuing Hearing

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP–10918; for construction permit.

The Hearing Examiner having under consideration a motion filed on April 23, 1959, by Richard F. Lewis, Jr., Inc., of Waynesboro, one of the respondents in the above-entitled proceeding, requesting that (1) further hearing in the above-entitled proceeding presently scheduled for May 14, 1959, be continued to May 22, 1959 and (2) the date for the exchange of programming exhibits therein be changed from May 1, 1959, to May 8, 1959;

It appearing, that counsel for all other parties to this proceeding have informally consented to immediate consideration and grant of the instant motion, and good cause has been shown for the proposed change in dates:

It is ordered, This 24th day of April 1959, that the motion be and it is hereby granted; the hearing in the above-entitled proceeding be and it is hereby continued from May 14, 1959, to May 22, 1959, at 10 a.m., in Washington, D.C.; and the date for the exchange of programming exhibits is continued from May 1, 1959, to May 8, 1959.

Released: April 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–3672; Filed, Apr. 30, 1959; 8:45 a.m.]

[Docket No. 12713; FCC 59M–544]

INTRASTATE BROADCASTERS

Order Scheduling Hearing

In re application of Harriscope, Inc., Abbott London & Saul R. Levine, d/b as Intrastate Broadcasters, Pomona, California, Docket No. 12713, File No. BP–11687; for construction permit.

The Hearing Examiner has under consideration a petition for leave to amend the above-entitled application filed April 8, 1959, by the applicant and a supplement to the petition for leave to amend filed by the applicant on April 15, 1959. The matter of the proposed amendment was discussed at the prehearing conference held April 24, 1959.

The purpose of the petition for leave to amend is to change the directional array of the station proposed by the applicant so as to reduce the intensity of the signal which will be transmitted by the proposed station toward the Mexican island of Guadalupe and thus eliminate the possibility of a violation of the agreement signed January 29, 1957, between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band. The purpose of the supplement

to the petition for leave to amend is to correct a typographical error in the petition to amend filed April 8, 1959.

There is no opposition to granting the petition for leave to amend and good cause for amending the application has been shown.

It is ordered, This the 24th day of April 1959, that the petition of Harriscope, Inc., Abbott London & Saul R. Levine, d/b as Intrastate Broadcasters for leave to amend the above-entitled application as corrected by the supplement to the petition be and the same is hereby granted and the application is amended;

It is further ordered, That the application, as amended, will remain in hearing status and the evidentiary hearing will be held on May 6, 1959.

Released: April 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3673; Filed, Apr. 30, 1959; 8:45 a.m.]

[Docket No. 12844 etc.; FCC 59M-542]

RICHARD L. DeHART ET AL.

Order Scheduling Prehearing Conference

In re applications of Richard L. DeHart, Mountlake Terrace, Washington, Docket No. 12844, File No. BP-11312; KVOS, Inc. (KVOS), Bellingham, Washington, Docket No. 12845, File No. BP-11360; Clair Conger Fetterly, tr/as Lake Washington Broadcasting Company, Bothell, Washington, Docket No. 12846, File No. BP-11390; John W. Davis (KPDQ), Portland, Oregon, Docket No. 12847, File No. BP-11436; for construction permits for standard broadcast stations.

On the Examiner's own motion: *It is ordered,* This 24th day of April 1959, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, in the offices of the Commission, Washington, D.C., at 10:00 o'clock a.m., on Thursday, May 21, 1959.

Released: April 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3674; Filed, Apr. 30, 1959; 8:45 a.m.]

[Docket Nos. 12854, 12855; FCC 59-380]

GOLETA BROADCASTING ASSOCIATES AND BERT WILLIAMSON AND LESTER W. SPILLANE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Thomas J. Davis, Jr., and Robert Sherman, d/b as Goleta Broadcasting Associates, Goleta, California, requests 1290 kc, 500 w, Day, Docket No. 12854, File No. BP-12044, Bert Williamson and Lester W. Spillane, a co-partnership, Santa Barbara, California, requests 1290 kc, 500 w, Day, Docket No. 12855, File No. BP-12154, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of April, 1959;

The Commission having under consideration the above-captioned and described applications; and

It appearing, that, except as indicated by the issues specified below, both applicants are legally, financially, technically, and otherwise qualified to operate the proposed stations but that the simultaneous operation of both proposals would result in mutually destructive interference; that operation of both proposals would cause interference to the existing operation of Station KFOX, Long Beach, California; that interference received from Station KITO, San Bernardino, California, may affect more than ten percent of the population within the normally protected primary service area of the proposed operation of Goleta Broadcasting Associates in contravention of § 3.28(c) of the Commission rules; that it has not been determined whether the proposed antenna system of Goleta Broadcasting Associates would constitute a hazard to air navigation; and that Goleta Broadcasting Associates have not submitted sufficient information to establish whether Goleta, California, is a separate, integrated community within the meaning of § 3.30(a) of the Commission rules; and

It further appearing, that although neither applicant has submitted a detailed showing as to the service which its proposal would provide to the other's community, examination of the proposals indicates that the Santa Barbara station would provide a 5 mv/m contour over the residential section of Goleta, California, approximately seven miles northwest of Santa Barbara, California and that the Goleta station would provide a 5 mv/m contour over a substantial portion of the residential section of Santa Barbara, California; and that each of the said proposals serves substantially the same area; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated September 26, 1958, of the aforementioned interference and other deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that Bert Williamson and Lester W. Spillane, a Co-Partnership, filed a timely reply to the Commission's letter; and

It further appearing, that, Goleta Broadcasting Associates was granted an extension of time to November 28, 1958, but no reply has been forthcoming; and

It further appearing, that, by petition dated August 28, 1958, the licensee of Station KFOX requested that these two applications be designated for hearing; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a hearing on these proposals is necessary:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to receive primary service from the operation of each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether each of the instant proposals would cause objectionable interference to Station KFOX, Long Beach, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Station KITO, San Bernardino, California would affect more than ten percent of the population within the normally protected primary service area of the proposed operation of Goleta Broadcasting Associates in contravention of § 3.28(c) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the antenna system proposed by Goleta Broadcasting Associates would constitute a hazard to air navigation.

5. To determine whether the application of Goleta Broadcasting Associates proposes to serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30(a) of the Commission rules and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above mentioned applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That KFOX Incorporated, licensee of Station KFOX, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 27, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3675; Filed, Apr. 30, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16504, etc.]

CITY OF RED BUD, ILLINOIS, ET AL.

Notice of Applications and Date of Hearing

APRIL 27, 1959.

In the matters of City of Red Bud, Illinois, Docket No. G-16504; MidSouth Gas Company, Docket No. G-17567; Natural Gas Improvement District No. 2 of Ashley County, Arkansas, Docket No. G-17942; Illinois Power Company, Docket No. G-17984.

Take notice that the City of Red Bud, Illinois (Red Bud), a municipality organized under the laws of the State of Illinois, filed on October 6, 1958, an application and on November 19, 1958, and January 8, 1959, supplements thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation (Mississippi) to establish physical connection of its transportation facilities with the facilities which Red Bud proposes to construct, as hereinafter described, and to sell natural gas to Red Bud for distribution to the public in the said city of Red Bud.

Red Bud proposes to construct and operate approximately 7.02 miles of 4-inch transmission pipeline extending from a connection with Mississippi's main transmission line in Randolph County, Illinois, east to the city limits of Red Bud. Red Bud also proposes to construct and operate a gas distribution system to sell gas at retail in the city of Red Bud and environs.

Red Bud estimates its natural gas requirements as follows:

Year of service	Requirements in Mcf	
	Peak day	Annual
1st	430	90,351
2d	520	101,676
3d	641	122,760
4th	744	135,070
5th	864	148,310

The estimated total capital cost of the proposed facilities is $350,000, which Red Bud proposes to finance by the issuance of gas system revenue bonds.

In Docket No. G-17567, MidSouth Gas Company (MidSouth), an Arkansas Corporation having its principal place of business at 723 Cumberland Street, Little Rock, Arkansas, filed on January 19, 1959, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi to increase its maximum daily delivery of natural gas to MidSouth from its present allocation (stated demand) of 22,790 Mcf to a daily volume of 24,790 Mcf by November 1, 1959, and 25,790 Mcf by November 1, 1960.

MidSouth alleges that, with the natural gas obtained from Mississippi, it provides natural gas service to the following Arkansas communities:

Alicia.	Judsonia.
Bald Knob.	Kensett.
Batesville.	Newark.
Bradford.	Newport.
College City.	Searcy.
Diaz.	Swifton.
Egypt.	Tuckerman.
Hoxie.	Walnut Ridge.
Jonesboro.	West Point.

The estimated annual and peak day requirements of said communities are as follows:

Mcf @ 14.73 psia
[Estimated]

Type of service	1959		1960		1961	
	Peak day	Annual	Peak day	Annual	Peak day	Annual
Residential	16,851	1,607,749	17,187	1,639,902	17,446	1,664,502
Commercial	7,503	756,114	7,532	758,997	7,562	761,880
Interruptible industrial	6,069	1,739,780	6,575	1,780,240	7,081	1,820,700
Company use and unaccounted for	562	205,182	573	208,957	582	212,354
Total	30,985	4,308,825	31,867	4,388,096	32,671	4,459,436
Interruptible curtailment	6,069		6,575		7,081	
Total from Mississippi	24,916		25,292		25,590	

MidSouth alleges that because of the growing needs of its customers, MidSouth must receive an increase in its supply of gas from Mississippi beyond the present allocation or be faced with a shortage of gas in its system beginning in the 1959–60 heating season.

MidSouth alleges further that on numerous occasions during the past few years MidSouth has found it necessary in order to furnish service to its firm customers to purchase additional gas from Mississippi over and above MidSouth's stated demand.

MidSouth states that no additional facilities would be required to effect the proposed increased deliveries.

In Docket No. G-17942, Natural Gas Improvement District No. 2 of Ashley County, Arkansas (District No. 2), 119 Pine Street, Crossett, Arkansas, a suburban natural gas improvement district created by order of the County Court of Ashley County, Arkansas, filed on February 25, 1959, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi to establish physical connection of its transportation facilities with the facilities which District No. 2, proposes to construct and operate and to sell sufficient natural gas to said District No. 2 for local distribution to the public within the district boundaries of said District No. 2 to meet its fifth year requirements.

District No. 2 proposes to construct and operate approximately 2 miles of 4-inch transmission pipeline from a connection with Mississippi's pipeline to the vicinity of said district and natural gas distribution facilities to serve the residents therein. The natural gas requirements of said area are estimated by District No. 2 as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1st	286	28,285
2d	344	34,970
3d	374	38,005
4th	403	40,670
5th	423	42,770

The total capital cost of District No. 2's project is estimated at $227,000, which will be financed through the sale of natural gas revenue bonds.

In Docket No. G-17984 Illinois Power Company (Illinois Power), an Illinois corporation having its general business office at 500 South 27th Street, Decatur, Illinois, filed on March 5, 1959, an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Mississippi to sell and deliver to Illinois Power 12,000 Mcf of natural gas per day in addition to the 55,000 Mcf per day that Mississippi is presently obligated to deliver to Illinois Power.

Illinois Power alleges that the additional volumes are needed to meet the requirements of both existing and prospective customers in its Supply Area C, consisting of towns in southern Illinois.

Illinois Power states that no additional facilities will be required for the delivery of the proposed additional volumes.

Each of the applications in the above numbered dockets is on file with the Commission and open for public inspection.

These matters should be heard upon a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 15, 1959 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3676; Filed, Apr. 30, 1959; 8:45 a.m.]

[Docket Nos. G-16992, G-17105]

KERR-McGEE OIL INDUSTRIES, INC., ET AL., AND HUMBLE OIL & REFINING CO.

Notice of Applications and Date of Hearing

APRIL 27, 1959.

Take notice that on November 17, 1958, Kerr-McGee Oil Industries, Inc., (Kerr-McGee) filed on its own behalf and, as operator, on behalf of Monterey Oil Company and Kern County Land Company, an application in Docket No. G-16992 for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the sale of natural gas to United Fuel Gas Company (United Fuel).

On November 28, 1958, Humble Oil & Refining Company (Humble) filed a similar application in Docket No. G-17105.

Both applications are on file with the Commission and open to public inspection. The proposed sales are to be made pursuant to two separate contracts between the respective applicants and United Fuel, each dated September 24, 1958, and covering gas produced in the Go Around Bayou Field, Cameron Parish, Louisiana. These contracts are on file with the Commission as Kerr-McGee Oil Industries, Inc. (Operator) et al. FPC Gas Rate Schedule No. 60 and Humble Oil & Refining Company FPC Gas Rate Schedule No. 145.

Humble owns jointly with Kerr-McGee, et al., 5,580 acres in the Go Around Bayou Field as follows: Humble, 50 percent; Kee-McGee, 25 percent; Kern County Land Company, 12.5 percent; and Monterey Oil Company, 12.5 percent.

The subject gas will be delivered to facilities of Columbia Gulf Transmission Company authorized in Docket No. G-17550 on April 14, 1959. Columbia will transport such gas in interstate commerce for the account of United Fuel, an affiliate, for delivery to United Fuel at points in Kentucky.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 26, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3677; Filed, Apr. 30, 1959; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Notice of Request for Determination and Order for Hearing Thereon

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by The First Virginia Corporation, Arlington, Virginia, a bank holding company, for a determination by said Board that each of the companies listed below, and the proposed activities thereof are of the kind described in those provisions of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act:

1. First General Insurance Agency, Inc.
2. Mt. Vernon Insurance Agency, Inc.

Inasmuch as section 4(c)(6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 and in accordance with sections 5(b) and 7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on July 8, 1959 at 10:00 a.m., at the offices of the Board of Governors of the Federal Reserve System, Washington, D.C., before a duly selected hearing officer, such hearing to be conducted in accordance with the rules of practice for formal hearing of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing officer to designate any other date or place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties. The Board's rules of practice for formal hearings provide, in part, that "All such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Richmond, on or before May 25, 1959, written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing officer for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing officer's decision in due course.

Dated: April 22, 1959.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-3678; Filed, Apr. 30, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1258]

COLORADO AND SOUTHERN RAILWAY CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

APRIL 27, 1959.

In the matter of the Colorado and Southern Railway Co., common stock, 4% Second Preferred Stock; File No. 1-1258.

The New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

All but 30,235 common and 23,579 second preferred shares are held by Chicago, Burlington & Quincy Railroad Company. The common had 208 and the second preferred had 136 holders of record September 8, 1958.

Upon receipt of a request, on or before May 12, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-3681; Filed, Apr. 30, 1959; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 117]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61796. By order of April 22, 1959, Division 4, approved the transfer to Oressey, Inc., Scranton, Pa., of Certificate No. MC 103937 Sub 1, issued October 28, 1955, to Edward Oressey, Scranton, Pa., authorizing the transportation of: Coal, from Scranton, Pa., and points within 20 miles of Scranton, to Jersey City, N.J., and New York, N.Y., and from Scranton, Pa., and points in Pennsylvania within 12 miles of Scranton, to points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J. William J. Dempsey, 400 Scranton Life Building, Scranton, Pa., for applicants.

No. MC-FC 61820. By order of April 22, 1959, the Transfer Board approved the transfer to Eva D. Hodge and Logan D. Hodge, a partnership, doing business as "John Hodge" of Paterson, N.J., of Permit No. MC 29145 issued September 28, 1943, in the name of John Hodge of Paterson, N.J., authorizing the transportation, over irregular routes, of machinery and machinery parts, from Paterson, N.J., to New York, N.Y., and points in New Jersey. Logan D. Hodge, 340 Sussex Street, Paterson, N.J., for applicants.

No. MC-FC 61949. By order of April 22, 1959, the Transfer Board approved the transfer to James A. Bowen, doing business as Container Transport, Philadelphia, Pa., of permits in Nos. MC 100152 and MC 100152 Sub 1, each issued August 10, 1950, to James McDonald, Philadelphia, Pa., authorizing the transportation of: *Paper boxes,* knocked down, from Philadelphia, Pa., to Wilmington, Del., Baltimore, Md., Washington, D.C., and points in New York within 10 miles of New York, N.Y., and those in New Jersey. John H. Derby, 816 Commonwealth Building, 1201 Chestnut Street, Philadelphia 7, Pa., for applicants.

No. MC-FC 62026. By order of April 22, 1959, the Transfer Board approved the transfer to Koberlein Express & Transfer Co., Inc., of New York, N.Y., of certificate No. MC 7627 issued March 13, 1956, to Adrienne Carr and Harold Lodovichetti, a partnership, doing business as Koberlein Express & Transfer Company of New York, N.Y., authorizing the transportation of household goods, office furniture and equipment, store fixtures, and dental and surgical equipment, over regular routes, between New York, N.Y., and Cornwall, N.Y., serving the off-route points of Hoboken and Weehawken, N.J., and Spring Valley, N.Y.; between New York, N.Y., and Paoli, Pa., serving the intermediate points of Jersey City and Newark, N.J., and Philadelphia, Pa., and the off-route point of Linden, N.J.; and between New York, N.Y., and Bridgeport, Conn., serving the intermediate points of Greenwich and Stamford, Conn., and the off-route point of Springdale, Conn. Ivan H. Wohlworth, 50 Court Street, Brooklyn 1, N.Y., for applicants.

No. MC-FC 62108. By order of April 22, 1959, the Transfer Board approved the transfer to Joseph M. Tringali, doing business as Retailers Delivery Service, 138-23 249 Street, Rosedale 22, N.Y., of permit in No. MC 18808, issued March 29, 1955, to Elizabeth M. Dee, doing business as Joseph P. Dee, 106 Brower Avenue, Rockville Centre, N.Y., authorizing the transportation of: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith equipment, materials and supplies used in the conduct of such business between various points in New York on the one hand, and, on the other hand, between points in New York and New Jersey; fruits, vegetables, farm products, poultry and sea foods between points in New York and New Jersey.

No. MC-FC 62119. By order of April 22, 1959, the Transfer Board approved the transfer to John P. Garrison, Inc., Branchville, N.J., of Certificate No. MC 59925 and MC 59925 Sub 4, issued December 27, 1955, and August 30, 1957, to John Peter Garrison, doing business as Garrison, Branchville, N.J., authorizing the transportation of: Lime and limestone, from Lime Crest, Hamburg, McAfee, Franklin and Ogdensburg, N.J., to points on Long Island, N.Y., points in Sullivan, Ulster, Westchester, Rockland and Orange Counties, N.Y., Wayne, Pike, Monroe, Carbon, Lackawanna, Luzerne, Northampton, Bucks, Montgomery and Philadelphia Counties, Pa., and points in that part of the New York, N.Y., Commercial Zone as defined; paper bags, from New Hope, Pa., to Lime Crest, N.J.; and Humus, from points in Sussex and Warren Counties, N.J., with certain exceptions, to New York, N.Y.; points in Nassau, Suffolk, Orange, Westchester, Rockland, Sullivan, and Ulster Counties, N.Y.; Philadelphia, Pa.; and points in Wayne, Pike, Monroe, Northampton, Bucks, and Montgomery Counties, Pa. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-3684; Filed, Apr. 30, 1959; 8:47 a.m.]

[No. 32992]

ACCOUNTING FOR FEDERAL INCOME TAXES

Order

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 24th day of April A.D. 1959.

Consideration has been given to a petition filed March 5, 1959 by Arthur Andersen & Co., a firm of certified public accountants, averring that a notice dated February 9, 1959 (24 F.R. 1401), amended the accounting regulations without recourse to public rule making procedures, and requesting that the notice be rescinded; that rule making proceedings

in respect of such matter be instituted; and that petitioner be afforded the right to participate therein.

The notice stated that a provision in the Federal income tax regulations permitting accelerated depreciation is not an acceptable reason for changing depreciation accounting as now prescribed, and that possible income taxes to be assessed in the future will not be considered an element of tax expense for the current year. In both respects the notice was an affirmation of applicable rules now in effect and was issued to announce that amendment of those provisions is not now under consideration. It follows that the notice of February 9, 1959 may not accurately be described as an amendment of the accounting regulations and, therefore, good cause appearing:

It is ordered, That the said petition of Arthur Andersen & Co. filed March 5, 1959, be and it is hereby denied.

And it is further ordered, That this order shall be served on the petitioners and notice shall be given to the general public by depositing copies in the office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-3685; Filed, Apr. 30, 1959; 8:47 a.m.]

FOURTH-SECTION APPLICATIONS FOR RELIEF

APRIL 28, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35395: *Vegetable cakes and meals in western territory.* Filed by Western Trunk Line Committee, Agent (No. A-2056), for interested rail carriers. Rates on vegetable meal, whole pressed cottonseed, cottonseed hulls, and related articles, carloads between, and from and to, points in specified states in Illinois and western trunkline territories, or portions thereof, as more fully described in exhibit 1 of the application.

Grounds for relief: Short-line distance formulas and market competition in part.

Tariff: Western Trunk Lines tariff I.C.C. A-4276.

FSA No. 35396: *Lubricating oil—Kansas and Missouri points to Illinois and Missouri points.* Filed by Southwestern Freight Bureau, Agent (No. B-7533), for interested rail carriers. Rates on petroleum lubricating oil, tank-car loads from specified points in Kansas and from Kansas City, Kans.-Mo., to Chicago and East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Short-line distance formula. Market competition with eastern producing points.

Tariff: Supplement 74 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 35397: *Substituted service—Pa. R.R. for North American Van Lines.* Filed by Household Goods Carrier's Bureau, Agent (No. 17), for the Pennsylvania Railroad Company and interested motor carriers. Rates on property loaded in highway truck semi-trailers and transported on railroad flat cars between Fort Wayne, Ind., on the one hand, and Kearny, N.J., Philadelphia, Pa., or Harrisburg, Pa., on the other on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 17 to Household Goods Carrier's Bureau tariff MF-I.C.C. No. 76.

FSA No. 35398: *TOFC—Pineapples from Texas-Mexican border points to points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7534), for interested rail carriers. Rates on fresh pineapples loaded in or on trailers and transported on railroad flat cars, trailer loads from Brownsville, Donna, Eagle Pass, Hidalgo, Laredo, and Weslaco, Tex., to points in Arkansas, Illinois, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4315 and two other schedules.

FSA No. 35399: *TOFC—Freight between Memphis, Tenn., and Louisiana points.* Filed by Southwestern Freight Bureau, Agent (No. B-7535), for interested rail carriers. Rates on property moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars between Memphis, Tenn., and stations on the Texas and Pacific Railroad in southern Louisiana.

Grounds for relief: Motor truck competition.

Tariff: Supplement 54 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35400: *Lumber—Southern points to points in official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3796), for interested rail carriers. Rates on lumber and articles taking same rates, carloads, as more fully described in the application from specified points in southern states to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formulas, grouping, motor truck competition, and operation through intermediate points in higher-rated territories.

Tariffs: Supplement 199 to Southern Freight Tariff Bureau tariff I.C.C. 1214 and other schedules of this bureau listed in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-3683; Filed, Apr. 30, 1959; 8:47 a.m.]